

COMMONWEALTH OF MASSACHUSETTS

NORFOLK, SS.

SUPERIOR COURT DEPARTMENT
OF THE TRIAL COURT

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COMMONWEALTH OF MASSACHUSETTS,

v.

KAREN READ.

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* Docket No. 2282CR00117

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BEFORE THE HONORABLE BEVERLY CANNONE
WEDNESDAY, MAY 22, 2024
TESTIMONY OF KERRY ROBERTS

APPEARANCES:

For the Commonwealth:

BY: ADAM LALLY, A.D.A.
LAURA MCLAUGHLIN, A.D.A.

For the defendant:

BY: DAVID YANNETTI, ESQ.
ALAN JACKSON, ESQ.
ELIZABETH LITTLE, ESQ.

Dedham, Massachusetts
Room 25

Christine D. Blankenship, CVR
Court Reporter/Transcriber

I N D E X

WITNESS:	DIRECT	CROSS	REDIRECT	RECROSS
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Kerry Roberts (By Mr. Lally)	3			
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Exhibits:	Page:
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101 Photograph	41
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102 Photograph	42
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1 (Court in session.)

2 (Defendant is present with counsel.)

3 (Jury in.)

4 KERRY ROBERTS, sworn

5 DIRECT EXAMINATION

6 BY MR. LALLY:

7 Q Good morning, ma'am.

8 A Good morning.

9 Q Could you please state your name and spell your last
10 name for the jurors?

11 A Kerry Roberts, R-o-b-e-r-t-s.

12 Q And where do you live, ma'am?

13 A Canton, Mass.

14 Q And how long have you lived in Canton, Mass.?

15 A Ten years.

16 Q And who, if anyone, do you live in Canton with?

17 A My husband and my two children.

18 Q And your two children, how old are they and boy? Girl?

19 A My son is twelve; my daughter is fourteen.

20 Q Do you work, ma'am?

21 A I do.

22 Q What do you do?

23 A I'm an executive assistant.

24 Q And how long have you been doing that?

25 A Seventeen years.

1 Q And your husband, Curt, does he work, as well?

2 A Yes.

3 Q And what does he do for work?

4 A He's a heavy equipment operator.

5 Q And how long has he been doing that?

6 A Maybe twenty-two, twenty-plus-years.

7 Q Now, if I could turn your attention to the evening of
8 January 28, 2022, into the morning of the 29th, do you
9 recall those dates?

10 A Yes.

11 Q Do you recall what days of the week they were?

12 A Say it again?

13 Q Do you recall what days of the week they were?

14 A Friday.

15 Q So when you say Friday --

16 A To --

17 Q -- into a Saturday?

18 A Saturday, the 20th.

19 Q Now, on the evening of the 28th do you recall what you
20 were doing that evening?

21 A I was bowling with my daughter and her friends and one
22 of the mothers.

23 Q Do you recall where that was?

24 A Westgate Lanes in Brockton.

25 Q About what time was it that you got home from that?

1 A Probably about 8:30-ish because there was a storm
2 coming so we wanted to be home. I didn't want to be out
3 late.

4 Q When you got home, that's you and your daughter, is
5 that correct?

6 A Say that one more time?

7 Q You and your daughter came home around 8:30 or so?

8 A Yes.

9 Q Who, if anyone else in your house was home when you got
10 there?

11 A I think my husband was home. He was going out. I
12 think I passed him and he was heading out to his friend's.
13 My son was not home.

14 Q Who was the friend that he was going out to meet?

15 A John O'Keefe and Michael Camerano.

16 Q Ms. Roberts, I'd like to start with just Mr. Camerano.
17 How do you know him?

18 A He's been childhood friends with my husband.

19 Q Do you know where your husband was going to meet Mr.
20 Camerano and Mr. O'Keefe?

21 A At McCarthy's. It's a bar in Canton.

22 Q Sort of in the center of town, is that right?

23 A Yes.

24 Q And Mr. O'Keefe, how do you know him?

25 A I've known him since high school.

1 Q Where did you go to high school?

2 A Braintree High School.

3 Q How is it that you came to know Mr. O'Keefe, how would
4 you describe your relationship with Mr. O'Keefe?

5 A He was one of my closest friends.

6 Q In addition to John O'Keefe, through growing up and
7 going to Braintree High were you familiar with any other
8 members of the O'Keefe family?

9 A Yes, Kristen, his sister, was a senior when I was a
10 freshman. John was a year older than me and Paul was two
11 years younger than me. So at some point I was in school
12 with all of them.

13 Q After high school at some point did you come to know
14 any of the members of the O'Keefe family while you were
15 living in Canton?

16 A Yes, my son and John's nephew went to an in home
17 daycare together, so I went to go pick up my son at some
18 point and Kristen was there and figured out that we lived
19 in the same neighborhood that we were going to moving to
20 and then Kristen got sick.

21 Q During that time, sort of when you first reconnected
22 with Kirsten, about how old was your son and her son?

23 A My son was eighteen months, (c) was, he's almost a
24 year older.

1 Q And your son and (C) [REDACTED], did they end up going
2 to the same school in Canton?

3 A Yes, they went to home day care, they went to
4 preschool, PreK, and by the time they got to elementary
5 school they got separated because they were troublemakers.

6 Q But did they go to the same school all throughout?

7 A Yes.

8 Q What if any other activities did your son do along with
9 Kristen's son, (C) [REDACTED]?

10 A Well, (C) [REDACTED] wanted to try hockey so they did hockey
11 together and then he didn't like that and they played
12 baseball together since they were in T-ball, like four or
13 five.

14 Q Now, you mentioned that Kristen O'Keefe or Kristen
15 (C) [REDACTED], at that point, at some point after you had met her
16 she got sick, is that right?

17 A Correct.

18 Q Eventually she passed away, is that right?

19 A Correct.

20 Q After she passed away her husband also passed away?

21 A Correct.

22 Q At some point after that what if any role did John
23 O'Keefe have with reference to his niece and nephew?

24 A Well, when Kristen passed away I was in touch with John
25 just seeing if he needed help with the kids, getting them

1 to and from wherever, because I was down the street.
2 Kristen passed away. and then he said, I might move in, see
3 if I can figure out the finances but I might move into your
4 neighborhood, and I said, oh, okay.

5 And then when Steve died, John did move in and he took
6 over raising the kids.

7 Q And fair to say that you were, with reference to your
8 son being friends with his nephew, (c), you would see
9 him fairly often, and by him I mean John O'Keefe?

10 A Oh, yes.

11 Q At some point did John and his niece and nephew move
12 from down the street to your
13 house?

14 A Yes, they moved across town. I live on Milton side.
15 He moved over sort of near the Stoughton side.

16 Q About how far a drive is that sort of from your house
17 to where he moved to, it was on Meadows Ave., correct?

18 A Yes, well, it depends because Canton is terrible for
19 traffic. Maybe seven minutes, maybe eight, depending, and
20 if it's the evening, it's longer.

21 Q After Mr. O'Keefe and his niece and his nephew moved
22 sort of across town where did his nephew (c), where did
23 he go to school after that?

24 A He remained at the same school that he was at with my
25 son, so on Wednesdays when John couldn't grab him in time

1 because he'd be working in the city, (c) would come
2 home with me.

3 Q And you were familiar with what Mr. O'Keefe did for a
4 living?

5 A He was a Boston Police officer but at the time he was
6 working in an office with registered sex offenders.

7 Q So you would help out as far as picking up his son,
8 what if any assistance did you have with regard to his
9 niece, (c), as well?

10 A Say that one more time?

11 Q What if any assistance did you have with regard to Mr.
12 O'Keefe and his schedule with regard to his niece, (c),
13 as well?

14 A I didn't take care of (c) as much. There were other
15 women, Jen McCabe, one of them. She sort of really took
16 hold of caring for (c) because her daughter was friends
17 with (c) and I just went and got (c), so if John --

18 THE COURT: Ma'am, keep your voice up. I'm really
19 sorry. I didn't mean to interrupt you.

20 THE WITNESS: Sorry.

21 THE COURT: If you can keep your voice up, too,
22 okay?

23 MR. LALLY: My apologies, your Honor.

24 Q And then through the years that you knew Mr. O'Keefe
25 when he lived in Canton and your time being friends with

1 him, what if any conversations would you have with Mr.
2 O'Keefe in regard to any sort of relationships or dating or
3 anything like that?

4 A Well, he dated a lot of people.

5 Q But as far as your conversations, what if any sort of
6 role would you have or what if any knowledge did you have
7 in reference to the people that he dated?

8 A My husband, whenever he would go on a date with
9 somebody he would have my husband come meet them sort of
10 say like, what do you think? I mean, he had a couple of
11 girlfriends that were very nice.

12 Q Now, at some point did you become aware of a person by
13 the name of Karen Read?

14 A Yes.

15 Q When was it and how was it that you first came to know
16 that person?

17 A John called me and said Karen and I are going to stop
18 by because we had people over, and I said, who is Karen,
19 because I didn't know if he was going to bring someone from
20 high school and surprise me with a random, I had never
21 heard of her.

22 And he said, you know who Karen is, the girl I'm
23 dating. I said nope, but okay. And then they came over
24 that night.

25 Q Do you recall when, about, that was?

1 A I think it was sometime in July.

2 Q July of what year, ma'am?

3 A We're in 2024, 2020.

4 Q Sometime shortly after sort of the Covid pandemic?

5 A Yes.

6 Q How would you describe your relationship, if any, with
7 Karen Read?

8 A She was like another person that took care of the kids.
9 She took care of (c) and (c) a lot so I would
10 coordinate with her, (c) and (c) were going to go to
11 the golfing range or if (c) was going to go with them to
12 the Red Sox game, that kind of thing. We didn't do lunch
13 or hang out like girlfriends.

14 Q Were there any occasions where you had sort of
15 socialization or go out as couples or anything like that
16 with Mr. O'Keefe and Ms. Read?

17 A No, they came over our house one time and then we'd do
18 baseball tournaments down the Cape and we'd all get
19 together. The four of us never went out.

20 Q And just for clarity purposes, did you see Ms. Read in
21 the courtroom today?

22 A Yup, I do.

23 Q Identify her as to where she's seated or an article of
24 clothing she's wearing?

25 A Say that again?

1 Q Could you identify as to where she's seated or an
2 article of clothing that she's wearing?

3 A She is seated at that front table and she has a black
4 and white suit jacket.

5 MR. LALLY: Your Honor, I just ask the record
6 reflect identification of the defendant by the witness?

7 THE COURT: Yes.

8 MR. LALLY: Yes.

9 Q Now coming back to that evening of the 28th, your
10 husband went out to meet Mr. Camerano and Mr. O'Keefe,
11 correct?

12 A Yes.

13 Q And do you know about what time it was that your
14 husband, Curt, arrived home that night?

15 A Maybe about 10:30.

16 Q And after he arrived home, what if anything
17 specifically do you recall the two of you doing or anything
18 before going off to bed?

19 A I remember sitting on the couch and the front door was
20 right there and it was open and it started to snow. It had
21 just started to come down probably about midnight but it
22 was coming down fast so you knew it was, little snowflakes
23 usually mean a big snowstorm. I said it's starting, so we
24 went to bed because we knew we weren't going out anywhere.

1 Q Turning your attention to the next morning, at some
2 point you awoke. Do you recall what it was that awoke you
3 that morning on the 29th?

4 A Karen called me at five o'clock in the morning.

5 Q Is that sort of a normal occurrence as far as Ms. Read
6 calling you and specifically calling you that early?

7 A No.

8 Q And when you went to answer the phone, at some point
9 did you look at sort of the like the screen to your phone?

10 A I don't know. I just --

11 Q Let me ask this in a different way. At some point did
12 you realize or did you know whether or not that call, at
13 some point you answered, correct?

14 A Yes.

15 Q And the call that you answered, do you know whether or
16 not that was the first call Ms. Read had placed to you that
17 morning, or no?

18 A It was the second call only from looking at my phone
19 after, because I said, oh, shoot, she called me. She just
20 called and I didn't, she called twice.

21 Q And the phone call that you answered, about what time
22 was that?

23 A Five on the dot.

1 Q If you know from looking at your phone, the phone call
2 that you didn't wake up or didn't answer, do you know how
3 long before that that phone call was?

4 A I think it was a minute or two before.

5 Q So at five o'clock on the dot you get a phone call, you
6 answer it and it's Ms. Read, is that right?

7 A Correct.

8 Q That phone number you had her sort of programmed into
9 your phone as a contact, is that correct?

10 A Yes.

11 Q On prior occasions had you called that number or gotten
12 a call from that number on prior occasions?

13 A Yes.

14 Q And when you got that call or made that call who was
15 the other person on the end that you were speaking with?

16 A Say that again?

17 Q Sure. It may be a pretty simple question as far as it
18 goes, but just with reference to any prior phone calls that
19 you or your daughter received with that number that you
20 programmed in as Karen Read, when you spoke to someone by
21 calling or receiving a call from that contact, who was on
22 the other end of the call?

23 A Karen Read.

1 Q Thank you. So you answered the phone and sometime
2 right around 5:00 a.m. and can you describe to the jury
3 sort of what the content of that conversation was?

4 A I answered the phone and she said, John's dead. Kerry,
5 Kerry, Kerry, and then she hung up.

6 Q And as far as her end of the conversation, did you say
7 anything or get a chance to say anything before she hung
8 up?

9 A No.

10 Q When she's speaking to you and saying those words to
11 you over the phone, how loudly is she saying those words?

12 A Very loud. She woke my husband who was sleeping.

13 Q So at the time that the phone rings and you pick it up
14 your husband is sleeping, correct?

15 A Yes.

16 Q And then afterwards he's awake?

17 A Correct.

18 Q Now, what happened next?

19 A Then I got out of bed and Curt said, what was that? I
20 said, I don't know; I don't know; something's happening.
21 And I think I started getting dressed at that point because
22 I don't know if I started getting dressed at that point or
23 after she called back again.

24 I tried to call her I think a couple times back to
25 be like, what is going on? Finally she called me back

1 again and she said, I'm afraid John might be dead. He
2 might have gotten hit by a plow. He did not come home last
3 night.

4 I was not supposed to stay in Canton last night
5 and he would never leave (c) alone. I think something
6 happened.

7 Q Do you recall earlier in the day of the 28th having any
8 communication with either Mr. O'Keefe or Ms. Read?

9 A I did with John. He texted me.

10 Q Do you recall generally what that was about?

11 A My son got into a scuffle with some boy at school and
12 (c) wasn't in school at the time. I think he went to a
13 doctor's appointment but (c) got wind of it so John was
14 calling to see if my son was okay.

15 Q Now, turning back to again, that morning on the 29th,
16 you called Ms. Read a couple of times, she didn't answer,
17 is that correct?

18 A Correct.

19 Q And then at some point she calls you back?

20 A Correct.

21 Q And about how long was it after that initial phone call
22 that you had where she hung up, how much time had elapsed
23 between that call and the next one?

24 A I don't know, maybe five minutes.

1 Q And so when she calls back she makes those statements
2 to you that you just testified about, and upon her making
3 those statements, what if anything, was your response?

4 A I said, then she said she checked (c)'s phone to see
5 if John had called, and I said, okay, where are you now,
6 and she said I'm driving. Can I come to your house? Will
7 you drive my car?

8 I don't remember anything from last night. We
9 drank so much I don't remember anything, and I said, you
10 need to go home and be with (c) if she's there by
11 herself. I'll go look for him, or something of that
12 nature.

13 Because I thought, I said, you're going to get a
14 DUI. If you were drinking all night last night and you
15 don't remember anything. You shouldn't be driving.

16 MS. LITTLE: Objection, your Honor. Move to
17 strike.

18 THE COURT: Next question, please.

19 Q When you were talking to her on the phone, what if any
20 observations did you make to sort of how she as speaking
21 or --

22 A She was very frantic and her voice was elevated. She
23 was very frantic.

1 Q And the loudness that you were describing during the
2 course of that first phone call, what if any observations
3 did you make with respect to that in regard to the second?

4 A Same, throughout the rest of the day it was the same.

5 Q You indicated to her that she needs to go home, is that
6 right?

7 A Correct.

8 Q What if anything did she say in response to that?

9 A She said I'm going to come to your house and you drive
10 my car and I said okay.

11 Q After that, what did you do from there?

12 A I started getting dressed. I think that's what I said
13 and my husband said, where are you going? I said, I don't
14 know. Something happened. John didn't come home. Karen's
15 worried so I'm going to go look, go help her.

16 And he said, you're not going anywhere, it's a
17 blizzard, and I said yes I am and I went downstairs. I
18 started the car, cleared it off and I sat there waiting and
19 she didn't come, so I called.

20 Q During the time that you're waiting in the car do you
21 know about how long a period it was that you were waiting
22 in the car?

23 A I would say at least ten minutes sitting in the car.

24 Q And to that point, as far as when you went outside to
25 the car what if anything did you observe about the weather,

1 and what if anything did you do with your car as you were
2 turning it on?

3 A I cleaned the car off. I turned the car and I got in
4 it and I thought to myself, well, she thinks he might have
5 got hit by a plow or something. I'll see if there's any
6 accidents, so I called the Stoughton, I mean, Stoughton,
7 Canton non-emergency line and I said have there been any
8 plow accidents? My friend's boyfriend didn't come home and
9 they said no, there were no accidents.

10 Then I called Good Samaritan Hospital in Milton to
11 see if anybody had been brought in in a car accident. They
12 said no. And then finally Karen called back.

13 Q Before we get to that, there's been reference to, at
14 any point in time did you call Mr. O'Keefe?

15 A Yes.

16 Q And when you called Mr. O'Keefe, were you able to speak
17 to Mr. O'Keefe?

18 A No.

19 Q Did you know how many times you called Mr. O'Keefe?

20 A My husband called him, and I think I called him.

21 Q And when was that in relation to you going out to your
22 car and clearing it off?

23 A That was when I was in the house. Karen actually said,
24 can you try and call him.

25 Q And you did, and you didn't get an answer?

1 A Correct.

2 Q And do you know whether or not your husband got an
3 answer?

4 A He did not.

5 Q So you go out to the car, you're waiting and you make
6 those phone calls initially to Canton Police, is that
7 correct?

8 A Yes.

9 Q Do you know who you spoke to at Canton Police?

10 A I believe it was Officer Goode.

11 Q Is that someone that you knew in any way prior to this
12 date of January 29th?

13 A We have mutual friends, but no, I've never met them.

14 Q Now you call the hospitals and then at some point after
15 you finished speaking to the hospitals the defendant then
16 calls you back, correct?

17 A Yes.

18 Q And what if anything can you describe to the jury what
19 was the content of that conversation that third time?

20 A I said, where are you in the car and she said, I'm at
21 Jen's house and I said, Jen, who? She said, Jen McCabe.
22 She's going to drive my car and I said okay, stay there.
23 I'll come there. We'll follow and we'll drop your car off
24 and we'll just take my car and go look for him.

1 And I drove to Jen's and I pulled in the driveway
2 behind them. I was still on speakerphone. Jen is driving.
3 Karen is in the passenger's seat and we drove. I said, do
4 you remember, did you look through the house? Could he be
5 passed out somewhere in the house? She said, I don't know.
6 I didn't look.

7 So I said, let's do that. Let's get in the car.
8 We're not taking two cars, it's a blizzard. We're going to
9 go back to Meadows and we're going to go look in the house
10 first. He could be passed out behind the couch or on the
11 floor. Who knows. So we went to the house --

12 Q I'm sorry, before you get into that, as far as
13 directionality and where you're going at this initial
14 stage, you're sort of directing what's going to happen and
15 where you're going to go, correct?

16 A Correct.

17 Q You had mentioned, as the defendant said she was at
18 Jen's. You asked Jen who, and she said, Jennifer McCabe,
19 correct?

20 A Correct.

21 MS. LITTLE: Objection.

22 THE COURT: Overruled.

23 Q With regard to Ms. McCabe, did you know her or how did
24 you know her prior to this morning of January 29th?

1 A I had met her once when John took her and I to Reebok
2 because he got a 50 percent discount so we would go
3 periodically and get the kids shoes so she, John and myself
4 went to Reebok, got shoes and then we went to the Hillside
5 for lunch. That was it. I wasn't friends with her.

6 Q Is that someone that you had programmed in your phone
7 as a contact? Did you have her information prior to
8 January 29th?

9 A No.

10 Q When you went to Ms. McCabe's house that morning how
11 was it that you knew where Ms. McCabe's house was at that
12 point?

13 A I picked up (C) there a time or two for John and
14 brought her home if I was heading that way because Jen's
15 house was on the way to John's.

16 Q So you go to Ms. McCabe's house, and can you describe
17 for the jury sort of what you observe or what you see when
18 you're first coming up to Ms. McCabe's?

19 A I pulled in the driveway behind Karen's car and Karen
20 and Jen are in the car talking. I'm still on Bluetooth so
21 I can hear them and Karen said that she remembered leaving
22 him at Waterfall and Jen said, no, I saw you pull up to my
23 sister's house.

24 And then at some point in the conversation she
25 said, what about my taillight? What about my taillight and

1 I looked, and there was a piece missing. It was caked on
2 with snow. You could tell there was a little black hole
3 but there was snow like caked on it and it was a blizzard
4 at this point.

5 Q Now, as far as over the course of this early morning
6 when you're making that drive from your house to Ms.
7 McCabe's house, correct?

8 A Correct.

9 Q So during that time can you describe sort of what the
10 lighting conditions were, what the roadway conditions were,
11 what you observed as you were driving over there?

12 A It was not light out yet and it was really bad driving.

13 Q Bad driving in reference to the snow, is that correct?

14 A Yes.

15 Q Okay, and so you get to Ms. McCabe's house and during
16 the drive from your house to Ms. McCabe's house you're
17 speaking to both Ms. McCabe and Ms. Read?

18 A Yes.

19 Q With reference I think you said a couple of times as
20 far as a Bluetooth, as far as what you're hearing on the
21 other side of the conversation is it just one person or are
22 you able to hear sort of everything that's going on in the
23 car?

24 A I could hear everything. It was like a regular phone
25 call.

1 Q From where you were your impression was it was hooked
2 up to the speaker of the car?

3 A Correct.

4 Q When you get to Ms. McCabe's house or what you were
5 just testifying about as far as the taillight, when is it
6 that you're making those observations?

7 A In Jen's driveway.

8 Q And so about how far away from the defendant's car are
9 you the first time that you see or your attention it drawn
10 to this taillight?

11 A I was parked right behind them in the driveway.

12 Q And can you describe which part of the vehicle you were
13 looking at as far as which taillight that you're observing
14 this damage to?

15 A The right passenger.

16 Q From there as far as Ms. McCabe's driveway you make
17 these observations, where is this that you go from there?

18 A Say it again?

19 Q Sure. So after you're making those observations and
20 you're overhearing that conversation or you're having that
21 conversation over the Bluetooth where did the three of you
22 go?

23 A We went to Meadows, to John's house.

24 Q And how was it that each of you sort of got from Ms.
25 McCabe's house to John's house on Meadows?

1 A Jen drove Karen's car and I followed behind in my car.

2 Q When you arrived there, where did you go? Where did you
3 park like?

4 A I pulled in. I think I pulled in right behind. She
5 pulled her car sort of in front of the garage bays and I
6 pulled in the driveway behind her.

7 Q And when you say she do you know who was driving Ms.
8 Read's car?

9 A Jen McCabe.

10 Q So Ms. McCabe is driving and Ms. Read is in the front
11 passenger's seat?

12 A Correct.

13 Q And you're driving your car behind?

14 A Correct.

15 Q What kind of car did you have?

16 A A Ford Explorer.

17 Q Do you recall what color it was?

18 A Dark gray.

19 Q As far as Ms. Read's, do you recall what kind of
20 vehicle she had at that point?

21 A A Lexus SUV.

22 Q And do you recall what color that was?

23 A Black.

24 Q Now with respect to Mr. O'Keefe, do you recall what
25 kind of vehicle John O'Keefe had?

1 A He has a Traverse.

2 Q And do you recall what color that was?

3 A It's like a beige-green.

4 MR. LALLY: Your Honor, with the Court's
5 permission if I could ask to publish what's been marked as
6 Exhibit No. 2?

7 THE COURT: Okay.

8

9 (Exhibit No. 2 was published to the jury.)

10

11 Q Ms. Roberts, directing your attention to the screen
12 over here do you recognize what is up on the screen?

13 A That's John's house.

14 Q Does that look like a fair and accurate portrayal of
15 what John's house looked like down around the time of
16 January 29 when you went over that morning?

17 A It was much snowier but yes.

18 THE COURT: I'm sorry, I can't hear you over the
19 coughing, if you could repeat.

20 THE WITNESS: I said it was much, much more snow,
21 but yes.

22 Q Now, it's not visible in this video or photograph of
23 the driveway you're talking about at Mr. O'Keefe's house on
24 Meadows Ave. as we have in this picture, whereabouts would
25 the driveway be, to the left or the right?

1 A To the right.

2 MR. LALLY: And your Honor, with the Court's permission
3 if I could ask to publish what's been marked as Exhibit 91?

4 THE COURT: Okay.

5

6 (Exhibit No. 91 was published to the jury.)

7

8 Q And again, Ms. Roberts, do you recognize what's up on
9 the screen?

10 A That is John's car.

11 Q And what is that behind John's car?

12 A Behind, a basketball hoop.

13 Q No, I'm sorry, that's correct. Not the rear of the
14 vehicle but sort of in the photograph behind on the other
15 side of the passenger's side of the vehicle?

16 A Oh, the garage doors.

17 Q Yes, and two garage doors, on the left on the right, is
18 that correct?

19 A Correct.

20 Q You're familiar with this house, you've been over it a
21 number of times when Mr. O'Keefe lived there?

22 A Correct.

23 Q As far as what if anything, are you familiar with as
24 far as Mr. O'Keefe having with regard to security around
25 his house?

1 A Security, he has a ring camera that was in the driveway
2 and a ring camera that was at the side door.

3 Q With regard to the garage itself as far as you've been
4 in there, as well?

5 A Yes.

6 Q What is behind the left door of the garage?

7 A His big old blue convertible.

8 Q And on the right side of the garage what if anything is
9 in behind it?

10 A Nothing. I mean, he's got all organized stuff and
11 kids' sporting, I don't know if he parked in there or not.

12 Q Now as far as how Mr. O'Keefe kept the garage, kept his
13 home, was there a particular way in which he kept it when
14 he lived there, if you know?

15 A He was a neat freak.

16 THE WITNESS: He was a neat freak.

17 THE COURT: I'm sorry, what was that?

18 THE WITNESS: He was a neat freak.

19 Q And as you enter in this garage what if any access do
20 you then have to come inside the home?

21 A There's a set of stairs and it brings you right into
22 like the mud room which leads into the kitchen.

23 Q Now, when you would go over to Mr. O'Keefe's house on
24 this occasion or any other occasion what if any rules or
25 preferences would Mr. O'Keefe have with regard to footwear?

1 A You did not wear footwear in the house, you took your
2 shoes off.

3 Q Is that something that applied to the people that lived
4 there as well as people that were visiting?

5 A Yes.

6 Q How would you describe, was that a relatively strict
7 rule?

8 A Yes.

9 MR. LALLY: Now, your Honor, with the Court's
10 permission if I could, I'd like to publish a portion of
11 Exhibit 6, the ring video.

12 THE COURT: Okay.

13 MR. LALLY: And Ms. Gilman, if I could have from the
14 driveway Video No. 1-5-4.

15 Q Ms. Roberts, do you recognize what's up on the screen?

16 A Yes, that Karen's car and my car and John's was in the
17 background.

18 Q In front of you on the desk there should be a laser
19 pointer. If there's not, oh, thank you very much. So,
20 pressing on that button and pointing towards the screen if
21 I could ask you to direct the jury to where did you see the
22 Ms. Read's vehicle, where you your vehicle and where you
23 see Mr. O'Keefe's vehicle?

24 A That was John's car. That is Karen's car. That is my
25 car.

1 Q And is this a fair and accurate portrayal of sort of
2 where the cars were and what things looked like when you
3 first arrived at Mr. O'Keefe's house coming from Ms.
4 McCabe's house?

5 A Yes.

6 MR. LALLY: Ms. Gilman, if you could.

7

8 (Videotape played.)

9

10 MR. LALLY: Can you pause it.

11 Q Now, with reference to any individuals
12 that you observed in this video, again,
13 user the laser pointer if you would draw
14 the jury's attention to who you observed
15 and where they are?

16 A That is Jen McCabe and that is Karen Read, and that's
17 me.

18 Q And at some point you enter in through the garage, is
19 that right?

20 A Correct.

21 Q Now far as the garage doors are concerned when you came
22 back that morning what if anything did you notice about the
23 garage doors?

24 A The right garage door wouldn't close.

25 Q So it was open when you arrived?

1 A I don't recall if it was open when we arrived, but when
2 we were leaving it wouldn't close.

3 Q Do you recall, do you have any idea how that
4 mechanically worked, how you open and how you would close
5 the garage door?

6 A Yeah, there's a code on the side.

7 Q At any point in time when you noticed that the garage
8 door was open, were you or any of the people that you were
9 with able to close that door?

10 A No.

11 Q So, is that the door that you entered into in order to
12 get into the garage, to get into the mud room, take off
13 your shoes and go in the house?

14 A Correct.

15 Q And when you came into the house that morning and you
16 entered into the mud room what if anything did you do with
17 your shoes and what if anything did you observe Ms. McCabe
18 and the defendant do with their shoes?

19 A Jen and I both had taken our shoes off in the sort of
20 steps, in the garage before entered into the mud room. We
21 took our shoes off and Karen just walked in.

22 MR. LALLY: And Ms. Gilman, if you could, just play
23 the video through from there.

24

25 (Videotape played.)

1

2 MR. LALLY: Ms. Gilman, you can take that down.

3 Thank you very much.

4 Q Now, Ms. Roberts, with reference to the ring video
5 security system that Mr. O'Keefe had at his home, if you
6 know, do you know who had access to that?

7 A I do not.

8 Q Obviously, do you know whether or not Mr. O'Keefe had
9 access to that?

10 A He did, yes.

11 Q Do you know how or what device he used in order to
12 access that?

13 A I only know he had it on his phone.

14 Q How do you know he had it on the phone?

15 A Because he would check it all the time to see if the
16 kids were home or dropped off.

17 Q And that's something he did in your presence?

18 A Yes.

19 Q Now, with regard to at some point when you get to the
20 home beyond the sort of initial observations you made of
21 Ms. McCabe's driveway with regard to the right rear
22 passenger taillight of Ms. Read's vehicle, what if any
23 other observations did you make or what if anything else
24 did you do with reference to that area of the vehicle?

1 A Karen did point it out at one point in the driveway,
2 she said, my taillight, look at my taillight. And I looked
3 at it and I said, you told me you don't remember anything
4 from last night. She said, do you think I hit him? Do you
5 think I hit it?

6 I said, no, I don't think you hit him. I think
7 you probably hit something but let's just go in the house
8 and look for him.

9 Q And so as far as your recollection is concerned that
10 sort of interaction that you had or looking at the
11 taillight, when did that happen?

12 A I don't know if it was when, it obviously wasn't when
13 we got there. It must have been when we were leaving to go
14 out and look for him.

15 THE COURT: When you what? I'm sorry?

16 THE WITNESS: I wasn't sure if it was when we
17 arrived or when we were leaving to go back out and look for
18 him but not that I've seen the video it's obviously when we
19 came back out of the house.

20 THE COURT: Okay.

21 Q And who was present for that?

22 A Who was present?

23 Q Yes

24 A Jen McCabe, Karen Read and myself.

1 Q And as far as where Ms. McCabe parked that vehicle, at
2 any point in time that you were at the house did that
3 vehicle move at all, and by that vehicle I mean Ms. Read's
4 vehicle?

5 A I don't think so.

6 Q So where it's parked in that video is essentially where
7 it stayed as far as you know?

8 A I believe so.

9 Q Now, with reference to those observations when you were
10 looking at the rear passenger taillight of the area of Ms.
11 Read's vehicle, how close to the vehicle were you when you
12 were making those observations?

13 A Right in front of it. There was one piece like a
14 rectangle encapsuled, like whatever was broken. I remember
15 there was one piece of metal sort of sticking out so if
16 there was an encasement for a light of some sort I remember
17 looking at it and the piece was sort of sticking out and I
18 thought, someone is going to catch their sleeve on that or
19 something.

20 Q Now, from there when you arrived at the house, you go
21 into the house, you take off your shoes, what happened
22 then?

23 A I started looking. Jen started looking. Karen, they
24 both, her and Jen went upstairs. I started looking

1 downstairs. I started looking on the other side of the
2 couches to see if maybe he passed out somewhere.

3 And then I went upstairs and Karen was standing in
4 John's room. The bed was made. She was just standing
5 there. Jen had gone in to talk to (c) and then I said
6 all right, let's go. He's not in the house.

7 Q Now, as far as --

8 THE COURT: He's not in the house?

9 THE WITNESS: He's not in the house.

10 Q As far as your knowledge of Ms. O'Keefe, him not coming
11 home when any of the children were home was that something
12 that was normal?

13 A Him not coming home if the children were home?

14 Q Correct.

15 A Yeah, he would not do that.

16 Q Obviously you knew (c) was there but what if
17 anything did you know as to where (c) was at that
18 point?

19 A He was at a friend's house.

20 Q And was that something that you knew independent of
21 this morning or what had transpired up to that point?

22 A Say that again?

23 Q How did you find out that (c) was at a friend's
24 house, sleeping over?

1 A Karen said, I said, where's (c)? She said he's at
2 his friend's.

3 Q So you were in the downstairs area of the home, is that
4 correct?

5 A Yes.

6 Q And looking through the rooms you didn't find Mr.
7 O'Keefe, correct?

8 A No.

9 Q Now, at any point in time did you go upstairs?

10 A I did.

11 Q And when you went upstairs where in the upstairs did
12 you go?

13 A At the top of the stairs was John's bedroom so I looked
14 in there. I looked in the bathroom. I looked in the
15 closet. I looked in (c)'s room. I looked in the other
16 two bedrooms and (c) was in her room so Jen was in
17 there, but I was just looking through the house.

18 Q As far as Mr. O'Keefe's bedroom, when you look in
19 there, what if anything did you observe as far as the
20 condition of the bed?

21 A The bed was made.

22 Q You mentioned you looked in a variety of different
23 rooms on the second floor. You said sort of two other
24 rooms, what if anything were those other rooms used for if
25 you know?

1 A I think one of them was a computer room. It was the
2 room that faced the front of the house and the back room
3 had a bed in it that Ms. O'Keefe would stay in when she
4 would stay over.

5 Q And again, just to be clear, when you say Mrs. O'Keefe,
6 you mean John's mother?

7 A John's mother, sorry.

8 Q And as far as the computer room, who if anyone had
9 access to that, if you know?

10 A Had access to the computer room?

11 Q Yes, what was it used for, basically?

12 A Oh, there was a desk with a computer, a laptop.

13 Q Do you know whose laptop that was, whether it was
14 John's, whether it was the defendant's, whether it was the
15 kids?

16 A I don't know if it was the defendant's at the time, but
17 John's laptop used to be in that room.

18 MR. LALLY: Your Honor, with the Court's permission
19 I would ask if I can publish just a couple more photos on
20 the screen for Ms. Roberts?

21 THE COURT: Okay.

22 MR. LALLY: Ms. Gilman, if I can start with Exhibit
23 92.

24 (Exhibit No. 92 was published to the jury.)

1 Q Ms. Roberts, directing your attention on the screen do
2 you recognize what's depicted in that photograph?

3 A That's Karen Read's Lexus.

4 Q Specifically, if you could using the laser pointer in
5 front of you direct the jury's attention to where you
6 observed damage that morning?

7 A That's where the metal piece I was describing was.

8 Q And as far as what's depicted in this photograph up on
9 the screen is actually consistent with what you observed in
10 Mr. O'Keefe's driveway and Ms. McCabe's driveway when you
11 saw it that morning?

12 A Well, caked in snow, but yes.

13 Q So absent the snow, yes?

14 A Yes.

15 MR. LALLY: And Ms. Gilman, if I could ask for the
16 next exhibit, No. 93.

17 (Exhibit No. 93 was published to the jury.)

18 Q Again, Ms. Roberts, do you recognize what's depicted in
19 this photograph?

20 A Yes.

21 Q Essentially a closer up image of the same area,
22 correct?

23 A Yes.

1 Q Again, what's depicted in this closer up image is that
2 also consistent with what you observed in Ms. McCabe's
3 driveway and Mr. O'Keefe's driveway that morning?

4 A Yes.

5 MR. LALLY: Now, your Honor, with the Court's
6 permission I would ask again if I could publish a portion
7 of what's been marked as Exhibit 41.

8 THE COURT: You may.

9 (A portion of Exhibit No. 41 was published to the jury.)

10 MR. LALLY: And Ms. Gilman, if I could ask you to
11 fast-forward to about two hours, nine minutes, and thirty
12 seconds. Right here.

13 (Videotape played.)

14 MR. LALLY: Ms. Gilman if you could pause it there.

15 Q Ms. Roberts, directing your attention on the screen do
16 you recognize what's on the paused portion of the screen
17 from this video?

18 A That's John's house.

19 MR. LALLY: Ms. Gilman, can you press play again.

20 (Videotape played.)

21 MR. LALLY: And Ms. Gilman, if you could pause.

22 Q And again, Ms. Roberts, directing your attention up to
23 the screen do you recognize what is sort of in front of the
24 camera in this particular portion of the video?

25 A That's Karen's car and John's car.

1 Q Where you observed Karen's car and John's car, if you
2 could just using the laser pointer direct the jury's
3 attention to where you observed each of those in this still
4 frame here?

5 A That's Karen's car. That's John's car.

6 Q And were those in essentially the same positions that
7 you were talking about that the jury saw earlier in the
8 ring video from Mr. O'Keefe's house?

9 A Yes.

10 MR. LALLY: Your Honor, may I approach?

11 THE COURT: Yes. Do you want this up on the screen
12 or no?

13 MR. LALLY: Up for now, but just for a moment.

14 Q Ms. Roberts, I'm going to show you just two
15 photographs. I ask you to just look at those and look up
16 when you're finished.

17 A Okay.

18 Q And do you recognize those?

19 A Yes.

20 Q What do you recognize what's depicted in them?

21 A Do I recognize what?

22 Q What is depicted in each of those photos?

23 A Karen's car.

24 MR. LALLY: May I approach, your Honor?

25 THE COURT: Yes.

1 MR. LALLY: The Commonwealth would seek to
2 introduce them and admit them as the next two exhibits.

3 THE COURT: Is there any objection?

4 MS. LITTLE: No objection.

5 THE COURT: All right, thank you.

6 MR. LALLY: Your Honor, while those are being
7 marked may we approach?

8 THE COURT: Hold on. Sidebar.

9 MR. LALLY: Yes, please.

10 THE COURT: Okay.

11 (Whereupon Exhibit No. 101, Photograph, was marked as an
12 exhibit.)

13 (Whereupon Exhibit No. 102, Photograph, was marked as an
14 exhibit.)

15 (Sidebar commences:

16 THE COURT: Okay.

17 MR. LALLY: Your Honor, I just wanted to alert the
18 Court as far as what these are. So essentially, these are
19 still shots from that video.

20 THE COURT: Yep.

21 MR. LALLY: And this one is zoomed in and enhanced.
22 There's also a video taken from that video in which it's
23 zoomed in and enhanced similar to what's depicted in what's
24 now 102. Obviously, I don't think it's anything that this
25 witness has seen before, but assuming there's no objection

1 to it, what I will do after going through the photographs
2 is have the video marked as an exhibit.

3 THE COURT: Okay.

4 MS. LITTLE: I haven't seen the video. I have no
5 objection to this --

6 THE COURT REPORTER: I'm having trouble.

7 THE COURT: Yeah.

8 MS. LITTLE: We haven't received a copy of the enhanced
9 video, so I just haven't looked at it. But I have no
10 objection to this.

11 THE COURT: So it's essentially there's the -- that was
12 up the other day and we talked about whether your expert
13 would be willing, he didn't have to, enhance it. Is that
14 the same thing?

15 MR. LALLY: Correct.

16 MS. LITTLE: Okay. That's fine, Your Honor.

17 MR. LALLY: Just for the record, it's in the link, the
18 same as the still shots. There's a link at the bottom of
19 the email that I sent.

20 MS. LITTLE: Oh, okay.

21 MR. LALLY: Just click on the link, that'll give you
22 the video.

23 MS. LITTLE: Okay.

24 THE COURT: If you want to sit there and go ahead and
25 do it beforehand.

1 MS. LITTLE: That's okay.

2 THE COURT: Okay. So no objection to it.

3 MS. LITTLE: No objection subject to them laying the
4 proper foundation for its submission.

5 MR. LALLY: Well, that's what I'm saying because I
6 don't know that this -- I mean, I can play the video for
7 you, but then the jury's already seen it, so that's my
8 point is I don't think this witness can do that.

9 MS. LITTLE: I'm assuming your eventually going to call
10 a witness that can.

11 MR. LALLY: Of course.

12 MS. LITTLE: Can I just have a moment?

13 THE COURT: Sure.

14 (Counsel confer.)

15 MS. LITTLE: Your Honor, we have no issue with the
16 photograph, but we'd just like to be able to review the
17 video before.

18 THE COURT: All right. So I'll send the jurors out.
19 We'll send them out, let you look at it. You may as well
20 see if she can make the foundation and bring them back.

21 MS. LITTLE: Okay.

22 MR. LALLY: I can move on from this, and if counsel
23 wants to look at it at lunch, that's fine.

24 MS. LITTLE: That would be great. Thank you.

25 THE COURT: Okay.

1 end of sidebar.)

2 MR. LALLY: Your Honor, with the Court's permission
3 I would ask to publish first what's been marked as Exhibit
4 101.

5 THE COURT: Okay.

6 (Exhibit No. 101 was published to the jury.)

7 Q Ms. Roberts, what's up on the screen now is Exhibit
8 101. You indicated that's Ms. Read's vehicle in the same
9 position as where Ms. McCabe left it parked in the
10 driveway, correct?

11 A Yes.

12 Q Does this appear to be a still shot from the same video
13 that you just saw in the prior video?

14 A Yes.

15 MR. LALLY: Ms. Gilman, if I could have Exhibit 102
16 next.

17 Q And Ms. Roberts, what's up on the screen, that's the
18 second photograph that showed you just a moment ago?

19 A Yes.

20 Q And that's essentially a closer up or zoomed in image
21 of what's in the same still image as you saw on the prior
22 exhibit, correct?

23 A Yes.

24 Q And again, if you could, using the laser pointer just
25 direct the jury's attention to the damage that you observed

1 on the right rear passenger taillight of Ms. Read's vehicle
2 that night?

3 A (Witness complied)

4 MR. LALLY: Thank you. Ms. Gilman, you can take
5 it down.

6 Q Now, you go look through the home, you don't find Mr.
7 O'Keefe, and what happens then?

8 A Then I said, let's go, let's go look for him. He might
9 be walking home or if you thought he got hit by a plow,
10 just Jen and Karen wanted to go back to 34 Fairview where
11 they were at Jen's -- Jen said she saw her pull up to 34
12 Fairview the night before so Karen really wanted to go back
13 there.

14 I was the one that said, no, let's drop a car off,
15 go to Meadows and look through the house and then we'll
16 start looking if he's not in the house, so that's we did.
17 We got in the car and we were going to head back to Jen's
18 sister's house.

19 Q And so this conversation as far as the defendant as
20 you're testifying, really wanting to go to Fairview, when
21 did that occur in relation to when you got to Mr. O'Keefe's
22 house?

23 A On the way from Jen McCabe's house to John's house in
24 the car.

25 Q Okay, so this is over the Bluetooth as you're driving?

1 A Yes, Karen said I left him at Waterfall and Jen said,
2 no, I saw you pull up in front of my sister's.

3 Q And so after coming out of Mr. O'Keefe's house do you
4 exit the same way that you entered?

5 A Yes.

6 Q Come out the garage door, get into your car?

7 A Yes.

8 Q And if you could describe to the jury sort of where was
9 everybody seated in your car when you get in?

10 A I was driving. Karen was in the back seat and Jen was
11 in the passenger's seat.

12 Q And as far as Ms. McCabe's sister's house, at the time
13 did you know where that was or who her sister was or
14 anything like that?

15 A I didn't even know she had a sister.

16 Q Do you know about how long a drive or how far a drive
17 or what the route was that you took going from Meadows to
18 her sister's house?

19 A I think we went main roads because we were looking to
20 see. I mean, I don't know what we were looking for but we
21 were looking for him. I don't know if we thought he was
22 walking home or he got hit by a plow, so we went main
23 roads.

1 We pulled out. I think we went Bolivar Street and
2 then Jen was giving directions because I didn't know where
3 we were going.

4 Q To be clear, Bolivar Street you're talking about,
5 that's B-o-l-i-v-a-r?

6 A Yes.

7 Q Okay, and so then Ms. McCabe is then giving you
8 directions as you're driving, correct?

9 A Correct.

10 Q Now, as you're driving again as far as what if anything
11 did you see as far as plows or how were the roads treated
12 at that time, what if anything did you observe in reference
13 to that?

14 A Bad driving. There were plows out but it was really
15 bad driving.

16 Q The visibility as you were driving from Mr. O'Keefe's
17 house to Ms. McCabe's sister's house, how would you
18 describe the visibility?

19 A It was very poor. It was in the middle of a blizzard.

20 Q Now, when you get to the street, at some point you're
21 directed by Ms. McCabe to Fairview Road, correct?

22 A Correct.

23 Q And when you get to Fairview Road do you recall whether
24 or not you took a left or a right, or how did you come onto
25 Fairview Road?

1 A Off of Chapman Street I took a right onto Fairview.

2 Q So you took a right from Chapman onto Fairview?

3 A Correct.

4 Q And as you're coming down Fairview Road what if
5 anything did you note or observe as far as the sort of
6 elevation of the roadway?

7 A You go downhill.

8 Q So you go down a hill?

9 A Yes.

10 Q This particular area of Canton obviously you've lived
11 in Canton for several years, are you somewhat familiar with
12 this area of Canton?

13 A Yes.

14 Q And how is it that you were familiar with the area of
15 Canton prior to this date if you've never been to Ms.
16 McCabe's sister's house?

17 A The commuter rail is right near there that I would take
18 to work.

19 Q Are there any schools in that area, as well?

20 A Yes, the John F. Kennedy School.

21 Q You mentioned that your son played baseball, correct?

22 A Yes.

23 Q On the ballfield at John F. Kennedy School?

24 A My son and John's nephew went to the Home Day Care
25 across the street from the JFK.

1 MR. LALLY: Now, your Honor, with the Court's
2 permission I would ask to just publish a brief portion of
3 what's been marked as Exhibit 12.

4 THE COURT: Okay.

5
6 (A portion of Exhibit No. 12 was published to the
7 jury.)

8
9 MR. LALLY: Ms. Gilman, what I'm going to ask is if
10 you could push this video forward to two minutes and thirty
11 seconds. I'm sorry, could you just --

12
13 (Videotape played.)

14
15 MR. LALLY: I'm going to ask you to stop right
16 there.

17 Q Ms. Roberts, from what you've seen on the video as far
18 as what's depicted in this video is that a fair and
19 accurate portrayal or consistent with what you observed
20 that morning as you were driving around going from Mr.
21 O'Keefe's house to Ms. McCabe's sister's house?

22 A Yes.

23 Q The turn that this vehicle is taking at this point in
24 the video, about two minutes and forty seconds in, do you
25 recognize what street that video is turning onto?

1 A I believe it's Fairview.

2 MR. LALLY: And Ms. Gilman, if you could.

3

4 (Videotape played.)

5

6 Q If you could pause right there for a moment, Ms.

7 Roberts, as you're driving from Mr. O'Keefe's house to this

8 address on Fairview Road that you've never been to before,

9 what's going on inside the car?

10 A Karen was frantic. She wouldn't put her seatbelt on

11 and I was getting nervous because we're driving in a

12 blizzard.

13 She kept leaning in between the two seats. I think

14 at some point she was texting in the back seat and then

15 she'd be leaning. She was just frantic the whole morning.

16 Q And as far as her screaming do you recall anything

17 specifically that she was screaming or what if any sort of

18 conversation was going on in the car as you were driving?

19 A There was some conversation about a woman I didn't

20 know, that was (C) 's mom. She said, (C) 's mom never

21 liked me. I think (C) lived near Jen's sister, maybe. I

22 don't know. Some conversation about (C) 's mom and Karen

23 said, she didn't like me.

24 Q And do you recall where you were in your travels when

25 that topic of conversation came up?

1 A No, I don't recall.

2 Q Now, in reference to following that what if anything
3 did you say in regard to any other sort of --

4 A Any other what?

5 Q Following that conversation in regard to (c)'s mom
6 who you didn't know, what if anything did you say or
7 introduce into the conversation of a similar nature?

8 A Fairview Road runs along Spring Road, Spring Street, I
9 think it is. Spring Lane. So Spring Lane and Fairview are
10 both off of Chapman Street and there was a woman he dated
11 who lived on Spring Lane.

12 So when Jen was telling me where her sister's house
13 was I said, I don't know where Fairview is, and she said,
14 it's near Spring Lane, and I said, oh, where the dance
15 instructor lived. John had once dated a dance instructor
16 and then Karen said, do you think he could have gone there,
17 do you think that's where he could have been.

18 Q What did you say to that?

19 A Just using it as reference point. She said it's near
20 Spring Lane, and I knew that the dance instructor lived on
21 Spring Lane.

22 Q Just to be clear, when you say the dance instructor,
23 this would be for his niece, (c)?

24 A Correct.

1 Q And you indicated that the two of them, being Mr.
2 O'Keefe and the dance instructor had dated at some point in
3 the past, correct?

4 A Yes.

5 Q About how long ago was that?

6 A Oh, it was when (C) was little. She was probably
7 like five.

8 Q So, almost ten years before this date that you're
9 driving around?

10 A Yes.

11 Q Now, as you're driving along and driving down Fairview,
12 what is it that you're doing, what if anything do you
13 observe Ms. McCabe doing, and then what if anything do you
14 observe the defendant doing?

15 A We were looking for John walking or wherever he may be,
16 so I'm driving and looking on both sides and I think Jen
17 was looking on both sides and Karen was, she'd be in the
18 back seat, then she's in between us, then she'd be in the
19 back seat and then in between us.

20 Q As you came down the hill on Fairview, what if
21 anything, what happened next?

22 A Jen said, my sister's house is right up here, and all
23 of a sudden Karen said, there he is, there he is. Let me
24 the "F" out of this car and she started kicking the door.

25 Q And how was she kicking the door?

1 A With her feet, how was she kicking the door?

2 Q I'm sorry, how hard was she kicking?

3 A Oh, pretty hard. I mean, she wanted to get out of the
4 car but it was locked because once you start driving the
5 back doors lock, so I looked over and I didn't see
6 anything, and I looked at Jen and I said, she's crazy, and
7 I unlocked the door and I sat back and watched and she ran
8 over to a mound of snow.

9 Q And so as the time you're driving down the road, had
10 you seen anything, as you're driving down and sort of
11 looking at the side of the road, have you seen anything on
12 your side of the vehicle?

13 A No.

14 Q And when you say she gets out of the vehicle is it your
15 side or the passenger's side where Ms. McCabe is that --

16 A The driver's side.

17 Q So she gets out of the driver's side of the vehicle and
18 the back passenger, correct?

19 A Correct.

20 Q How quickly does she go sort of from where, from your
21 car to where she ends up?

22 A She ran over to the mound.

23 Q And at that point in time even when she runs over could
24 you see what she was running over to?

25 A At some point I realized it was the shape of a body.

1 Q And when was that that you, when in this sort of
2 sequence were you able to realize that?

3 A That was in in seconds. Once she ran over to his body
4 I said, oh, my God and she lifted up his shirt and started
5 to lay on him.

6 Q And when you stopped to let her out where were you in
7 relation to that mound of snow or what you've learned to be
8 Mr. O'Keefe?

9 A I think my car was like in the middle of the road. I
10 just stopped.

11 Q In relation to where the mound of snow was, had you
12 driven past it at that point?

13 A Yes.

14 Q Okay, so it was located behind your vehicle?

15 A Yes.

16 MR. LALLY: And Ms. Gilman, if you could, I would
17 ask to press play on that, about 6 minutes and thirty
18 seconds.

19

20 (Video was played.)

21

22 MR. LALLY: Could you just pause for a second?
23 Thank you, the windshield wipers, okay.

24 Q What's depicted in the screen in front of this camera
25 angle, do you recognize what that is?

1 A That's my car.

2 Q Is that essentially where you parked your car when Ms.
3 Read started kicking the door and got out and ran over?

4 A Yes.

5 MR. LALLY: If you could just press play for a
6 moment.

7

8 (Videotape played.)

9

10 MR. LALLY: Pause here.

11 Q Now, on this video do you see where in relation to your
12 vehicle where you found Mr. O'Keefe?

13 A Can I use the pointer?

14 Q If you could, please.

15 A (Witness complied.)

16 MR. LALLY: Thank you. And Ms. Gilman, if you
17 could hit play for about six-and-a-half minutes.

18

19 (Videotape played.)

20

21 MR. LALLY: Ms. Gilman, if you could pause it
22 there.

23 Q The three individuals on the screen again, if you
24 could, just using the laser pointer direct the jury's
25 attention to who those are?

1 A That is Jen McCabe, that's Karen Read and that's me.

2 MR. LALLY: And Ms. Gilman, if you could play it
3 again.

4

5 (Videotape played.)

6

7 MR. LALLY: Ms. Gilman, you can take that down.

8 Q Ms. Roberts, in relation to what you just saw on the
9 video as far as at some point the rear sort of tailgate or
10 hatchback on your SUV, that was in the up position, is that
11 correct?

12 A Yes.

13 Q And do you recall why that was?

14 A Because I was having Jen get the baby blankets to wrap
15 around him out of my car.

16 Q Is that something that you just sort of have in the
17 back of your car at all times?

18 A Yeah.

19 Q Now, at any point in time in that sequence did you call
20 anybody or have any sort of phone calls that you made that
21 went to voice mail at that time?

22 A Did I?

23 Q Yes.

24 A I don't know.

25 Q So nothing that you recall, is that correct?

1 A Correct.

2 Q And did you observe Ms. McCabe make any phone calls
3 that sort of went to voicemail and she left her phone in
4 your car?

5 MS. LITTLE: Objection.

6 THE COURT: Sustained.

7 Q Let me take you back sort of when you're pulling in.
8 So, as far as the conditions when you pull up and the
9 defendant is banging on the door and gets out and runs over
10 to Mr. O'Keefe, what's depicted in that video obviously
11 without your vehicle being in the middle of the roadway, is
12 that a fair and accurate portrayal of what the road looked
13 like and sort of what you saw upon your arrival?

14 A Yes.

15 Q So after the defendant gets out of the vehicle what did
16 you do, where did you go?

17 A When I realized it was him or someone, I ran over and I
18 dug his head out of the snow.

19 Q Do you recall, you recognized the person in the snow as
20 Mr. O'Keefe?

21 A Once I got his head out, yes.

22 Q Do you recall how his body was positioned as far was,
23 how, was he on his stomach, on his back, on his side?

24 A He was on his back.

1 Q So you brushed some snow away from his head, is that
2 correct?

3 A Off his face.

4 Q And when you were brushing the snow off his face what
5 if anything did you observe about his face or the condition
6 of him at that time?

7 A He had blood coming out of his nose and his mouth and
8 his right eye, it looked like a golf ball. His left eye
9 was fine. The right eye looked like, it was awful.

10 Q Now, you mentioned that you wiped some snow from around
11 his head. What if anything else did you observe on the
12 rest of his body?

13 A He was bleeding in the back of the head so when I was
14 wrapping, I don't know why I was wrapping blankets around
15 his head but I didn't know, he had a cut on the back of his
16 head.

17 Q And do you recall which side of his head that cut was
18 on?

19 A I don't. It just was blood on the blanket that was
20 under him, under his head.

21 Q Now as far as the rest of his body did that have snow
22 on it, as well?

23 A Say it again, I'm sorry?

24 Q The rest of his body separate from his head area, what
25 if any snow did you observe on the rest of his body?

1 A He was completely covered.

2 Q Do you know about how much snow was covering the rest
3 of his body?

4 A I want to say like four inches, maybe three. I don't
5 really remember exactly how many, but he was covered.

6 Q So with reference to Mr. O'Keefe and when you arrived
7 there, the three of you being you, the defendant and Ms.
8 McCabe, what is it that you were doing when you first sort
9 of come over to Mr. O'Keefe?

10 A Karen was laying on top of him and I told her to get
11 off him because I was going to do CPR and I said, Jen, you
12 need to call 911 and I started CPR on his chest,
13 compressions, and then Karen was giving him mouth-to-mouth.

14 Q And as far as CPR goes, is that something that you had
15 any training in prior to this?

16 A Yes.

17 Q And can you tell the jury a little bit about that as
18 far as what, if any, training did you have as far as CPR?

19 A I get CPR certified every two years through the
20 American Red Cross at work.

21 Q So you start doing chest compressions, is that right?

22 A Correct.

23 Q And you direct Ms. McCabe to call 911?

24 A Yes.

25 Q And what was the defendant doing at that point?

1 A She was doing mouth-to-mouth and she was frantic again,
2 running around.

3 Q And as she was running around, what if anything else
4 was she doing or saying while she was running around?

5 A Did I hit him? Did I hit him? Is he dead? Is he
6 dead?

7 Q Is that something that she said once or more than once?

8 A More than once.

9 Q And similar to sort of the tonality or the volume of
10 the voice that you were describing before, was that
11 consistent when you're there sort of in front of the house?

12 A Yes.

13 Q Now, in relation to where you were with Mr. O'Keefe,
14 obviously you've never been to this house before, is that
15 right?

16 A Correct.

17 Q What if anything did you observe as far as overhead
18 lights or streetlights or anything like that around that
19 area where you found Mr. O'Keefe?

20 A There was a fire hydrant and some weird like electrical
21 box thing sticking out of the ground.

22 Q But you don't recall any sort of like overhead lights
23 or anything like that?

24 A I don't recall.

1 Q Now, this process of you sort of doing compressions and
2 Ms. Read is doing mouth-to-mouth and then running around,
3 is the mouth-to-mouth that she was doing is that sort of
4 consistent or is it intermittent between, when is the
5 running around in relation to the mouth-to-mouth?

6 A I don't remember which was first. I was concentrating
7 on doing chest compressions.

8 Q And so while you're doing the chest compressions at
9 some point do first responders start to arrive?

10 A Correct.

11 Q And about how long was it from the time that you sort
12 of get out of the vehicle and go over and realize it's Mr.
13 O'Keefe, et cetera, to when the first responders arrive?

14 A I don't know. It wasn't long. Maybe under ten
15 minutes.

16 Q During that time or during any amount of the time that
17 you were there did you see anybody from any of the houses
18 on the street come out of the house or any neighbors come
19 out or anything like that?

20 A No.

21 Q Once, if you call, do you recall whether it was police
22 or fire or ambulance or who showed up first?

23 A I don't know. I think the police showed up first or
24 the EMTs. I just saw the EMTs came over and said, we'll

1 take it from here. I wasn't paying attention to what else
2 was going on.

3 Q So you're sort of focused on chest compressions and at
4 some point some paramedic comes over and tells you they've
5 got it?

6 A Yes.

7 Q And so after that, where did you go?

8 A After that where'd I go?

9 Q Yes.

10 A I stayed in the area. I think I went back over to the
11 car.

12 Q And as the paramedics are working on John you're over
13 by your vehicle, correct?

14 A I think so.

15 Q What were you doing and where was Ms. McCabe and where
16 was the defendant, at that point?

17 A Karen was running around the body while the EMTs were
18 trying to work on him. She was just frantic.

19 Q And so you're over by the car and Ms. Read is running
20 around over where Mr. O'Keefe is?

21 A Yes.

22 Q And where was Ms. McCabe?

23 A I don't know. She was somewhere around the car.

24 Q But she was closer to you than to where Mr. O'Keefe
25 was?

1 A I don't know.

2 Q Now, where Mr. O'Keefe was, if you know, where was he
3 is relation to the roadway or the paved sort of pathway of
4 Fairview Road?

5 A I don't know, because you couldn't tell which was the
6 road and which was the grass. You couldn't tell where the
7 road began and ended so I don't know.

8 Q Now, you've described the defendant sort of running
9 around Mr. O'Keefe frantically, what, if anything, was she
10 saying at that point?

11 A Is he dead? Is he dead? Is he dead?

12 Q And that sort of phraseology or the way she put that,
13 was that consistent throughout, is that how she stated it?

14 A Yes.

15 Q And again, in that sort of loud volume voice at the
16 time?

17 A Yes.

18 Q Now, at some point Mr. O'Keefe is taken from where he
19 is by the paramedics to an ambulance, correct?

20 A Yes.

21 Q And as he's being taken off the ground what, if
22 anything, did you observe in that area?

23 A His phone was under him and it was grass.

1 Q Now, as far as the grass that you observed, how was
2 that in relation to sort of the rest of the area where Mr.
3 O'Keefe was?

4 A Everything else had snow.

5 Q So everything else is covered in snow and when he's
6 lifted off the ground underneath his body is that where the
7 grass is?

8 A Yes.

9 Q His phone was where in relation to his body, as far as
10 when he's lifted up what part of his body had been over
11 that?

12 A Like maybe his shoulder, like his back so when they
13 lifted him up it was under where like his, whatever that,
14 the right side of his back.

15 Q And what I'm asking is basically sort of up towards the
16 shoulder blade or down towards his lower back, if you know?

17 A In the middle.

18 Q In the middle, and when you saw the phone on the grass
19 what, if anything, did you do with Mr. O'Keefe's phone?

20 A I picked it up and I put it in my pocket and at some
21 point one of the first responders asked if I had it. I
22 handed it over.

23 Q And do you recall who that first responder was?

24 A No.

1 Q Do you recall even whether it was a police officer or a
2 fire fighter or a paramedic or who?

3 A No.

4 Q Now, as Mr. O'Keefe is being taken from where he was
5 located when you found him to the ambulance, what happens
6 then and what goes on from that point?

7 A At some point Officer Goode told Karen to calm down
8 because she was frantic. And at some point Jen and Karen
9 were in the back of a police cruiser to warm up.

10 I was standing outside watching the ambulance because I
11 could see through the ambulance that they were moving
12 things and working on him.

13 Q And so what, if any, conversation did you have with the
14 defendant and/or Ms. McCabe in reference to what you were
15 seeing through the back of the ambulance?

16 A I said, they're working on him, they're working on him.
17 At one point Karen grabbed the front of my jacket and
18 screamed in my face, are they working on him? Is he alive?
19 And I said, they're working on him, they're working on him.
20 They wouldn't be working on him if he was dead.

21 And then she had us hold hands and pray, and then
22 at some point she had blood on her hands and she told us
23 she had her period. I think she was just in a state of
24 shock maybe.

1 Q And what, if anything, did either you or Ms. McCabe say
2 to her when she said that?

3 A She said, no, that's not your blood, that's John's.

4 Q And what happened next?

5 A Then the ambulance drove away.

6 Q And if you know, about how long was it from the time
7 that you were told by the paramedics to, you know, sort of
8 step away from Mr. O'Keefe, that they had this, from that
9 point to when the ambulance drove away?

10 A I don't know. I don't think it was long. I watched
11 them work on whatever they were doing in the back of the
12 ambulance and they got in the ambulance and drove away.

13 Q After the ambulance left, where did the three of you go
14 or where did you go, where did Ms. Read go, where did Ms.
15 McCabe go?

16 A Karen, I had her in my car. Jen was going up to the
17 door to her sister's house and I said to the police, I had
18 been on the phone with them.

19 I had called Mrs. O'Keefe, I had called John's
20 mother. I had called John's father.

21 At some point, Karen was on the phone with John's
22 sister-in-law, Erin, telling him John was dead so I grabbed
23 the phone from her. I said, he's not dead. He's in the
24 back of an ambulance, he's been in an accident and she said
25 that Paul was going to go, John's brother, to the hospital

1 that they were bringing John to. I called Mr. O'Keefe, he
2 didn't answer.

3 MS. LITTLE: Objection, your Honor.

4 THE COURT: Next question. That'll stand but next
5 question.

6 Q You called Mr. O'Keefe and Mrs. O'Keefe, John's
7 parents?

8 A Correct.

9 Q At some point you have a conversation with them,
10 correct?

11 A Correct.

12 Q Do you know why it was that Ms. McCabe was going into
13 the house on Fairview?

14 MS. LITTLE: Objection.

15 THE COURT: Do you know why? Do you know why?

16 THE WITNESS: To wake her sister, I think.

17 Q And after those conversations, so you grabbed the phone
18 from the defendant to speak to Erin O'Keefe, correct?

19 A Yes.

20 Q And following those conversations with members of the
21 O'Keefe family, where is it that you were going from there?

22 A I asked Ms. O'Keefe if she had four wheel drive and she
23 said no, and Mr. O'Keefe had a van that didn't have four
24 wheel drive, so I said, I'm going to come get you and I'll
25 take you to the hospital.

1 THE COURT: Okay, so why don't we end this now for
2 lunch, okay? We'll take the luncheon recess. Ms. Roberts,
3 when the jury goes out you can just follow.

4 THE COURT OFFICER: All rise. Jury out.

5 (Jury out.)

6 (Court in recess.)

7

8

9

10 (Court in session.)

11 (Defendant is present with counsel.)

12 (Jury in.)

13 THE COURT OFFICER: All rise for the Court, please.

14 Court is back in session. You may be seated.

15 THE COURT: All right, Mr. Lally, whenever you're
16 ready.

17 MR. LALLY: Thank you.

18 Q (By Mr. Lally) Good afternoon, ma'am.

19 A Good afternoon.

20 Q So if I could take you back just for a moment and I
21 apologize for this, but just for a moment back to when you
22 first come over to where Mr. O'Keefe is on the grass and at
23 any point when you observed him, what if any observations
24 did you make as far as how Mr. O'Keefe was dressed at that
25 time?

1 A How he was dressed?

2 Q Yes.

3 A He had jeans on. I couldn't really tell because he was
4 covered in snow, but I know that he had, I think he had two
5 layers on when the defendant lifted his shirt.

6 Q Do you recall if any one of those layers was like a
7 winter jacket or any kind of heavy coat or anything like
8 that?

9 A No.

10 Q I'm sorry, no, you don't recall or no, it wasn't?

11 A No, it was not a coat.

12 Q Now, I'll take you back to when you were in front of
13 the house and Mr. O'Keefe is in the back of the ambulance
14 and at some point in time that ambulance leaves, is that
15 correct?

16 A Correct.

17 Q Do you know where the ambulance was going?

18 A Good Samaritan Hospital.

19 Q Following that, you mentioned that Ms. McCabe went
20 inside the house, correct?

21 A Yes.

22 Q And do you recall what it was that caused her to go
23 inside the house?

24 MS. LITTLE: Objection.

1 THE COURT: No, I'll allow that. Not what anyone
2 said.

3 A I think she was going to wake her sister.

4 Q After she left was there anybody else beyond sort of
5 first responders or police officers or things like that,
6 any other sort of civilian people show up that you recall?

7 A Matt showed up at some point, Jen's husband, Matt.

8 Q And that was before you left, is that correct?

9 A Yes.

10 Q And just to be clear, and we'll get to this more in a
11 moment but you had left from the house once, come back, and
12 then left again?

13 A Yes.

14 Q When her husband, Matt McCabe showed up which of those
15 times was that, if you recall?

16 A I think he was there when I left the first time.

17 Q And did you have any conversation with him?

18 A I said I'm going to get the O'Keefe's. He said, do you
19 want me to come with you and I said, no, no, no. So he
20 went in the house.

21 Q And when you left, who, if anyone, initially when you
22 left, who if anyone left with you?

23 A I left with Karen Read.

24 Q As you're leaving your car, you're driving, is that
25 correct?

1 A Yes.

2 Q And where is Ms. Read in the car, at that point?

3 A Say it again?

4 Q Where was Ms. Read in your car at that point when you
5 were in there?

6 A In the passenger's seat.

7 Q And as you were leaving, what if anything, were the two
8 of you doing or talking about or what was going on when you
9 left that first time?

10 A As we were leaving she was saying to me if anything
11 happens to John I'm going to kill myself. You need to take
12 care of these kids.

13 Q And how did you respond to that?

14 A He's not going to die. No one is doing anything of
15 that nature, or something of that nature, I said.

16 Q And as far as you're driving away, you had come in from
17 Chapman and you're facing towards Cedarcrest, is that
18 right?

19 A Yes.

20 Q And so when you left are you following in that sort of
21 same direction towards Cedarcrest?

22 A I took a right onto Cedarcrest.

23 Q And then where did you go from there?

24 A And then I got to Dedham Street and I went to take a
25 right and then Officer Goode, Officer Goode let me go to

1 pick up the O'Keefe's to take them but I had to give him my
2 phone number so that he could get in touch with me if he
3 needed to.

4 So he did call and he said, do you have Ms. Read
5 with you and I said yes, and he said, please bring her
6 back. Her parents have called in a suicide, they're saying
7 she's suicidal, so they want her to be sectioned.

8 Q And so coming back to that in a moment but before you
9 had left the scene you hadn't talked to any police officers
10 or anything at that time, correct?

11 A No, other than my name and phone number but no.

12 Q So, you gave them your information and then said, I
13 have to go pick up the O'Keefe's?

14 A Yes.

15 Q So you get that call from Officer Goode and then you
16 come back to the house, is that right?

17 A Yes.

18 Q During any of that time do you recall the defendant, I
19 know you had mentioned she spoke to Erin a few times, was
20 there anybody else that the defendant spoke to or talked to
21 while you were with her in the car?

22 A She spoke to her mother, and then I ended up taking the
23 phone and speaking to her mother and I gave her my phone
24 number and said, I am going to go to the hospital. She

1 said, please make sure she does not have her purse. She
2 has medication in her purse I don't want her to take.

3 Q Then when you arrived back at the scene, what happened
4 next?

5 A She just got out of the car and walked to the
6 ambulance.

7 Q And who if anyone, by "she" you mean the defendant?

8 A I'm sorry, yes.

9 Q Who, if anyone, did the defendant walk from your car to
10 the ambulance with?

11 A I think she just walked by herself. I had her phone
12 because I had been talking to her mother, so then one of
13 the first responders came over and said, do you have her
14 phone, and I said yes, her mother said make sure she does
15 not have her purse.

16 Q And then following that conversation with one of the
17 first responders where did you go from there?

18 A I went to go pick up the O'Keefe's.

19 Q And as far as your drive from Canton you went to, where
20 do the O'Keefe's live?

21 A Braintree.

22 Q So your drive from Canton to Braintree and then
23 subsequently from Braintree to Brockton, what if anything
24 did you observe about sort of the driving conditions at
25 that point?

1 A I was actually on the phone Katie Camerano and I spun
2 out, did a complete, spun a couple of times on 93 right
3 near the Braintree exit, so that when I got to the
4 O'Keefe's we went back roads to Brockton because I didn't
5 want to go on the highway.

6 Q And as far as the O'Keefe's, as far as in your car from
7 Braintree to Brockton that was both John's mother and
8 father?

9 A Correct.

10 Q At some point you get to the Good Samaritan Hospital in
11 Brockton, correct?

12 A Correct.

13 Q Do you know about what time it was that you got there?

14 A I don't know.

15 Q When you arrived where is it that you and the O'Keefe's
16 sort of go within the hospital?

17 A John's brother, Paul, had already arrived and then we
18 all walked in. We were in the waiting area.

19 John's cousin actually works on the switchboard.
20 We had been talking to her on the way in because of Covid
21 restrictions we didn't know if we were going to be able to
22 get in.

23 So she had come out from the switchboard, her
24 office because she knew there had been an accident, so she

1 came up to greet her family, and then I asked her to take
2 me to the bathroom to clean up and to the chapel.

3 Q Why was it that you had to go clean up?

4 A Say it again?

5 Q Why was it that you had to go clean up?

6 A Because I had blood on my hands.

7 Q Now, Ms. Roberts, you mentioned that during part of the
8 drive from Canton to Braintree you spoke to Ms. Camerano,
9 correct?

10 A Yes.

11 Q And during either that drive or the subsequent drive
12 from Braintree to Brockton, who, if anyone else did you
13 speak to over the phone?

14 A Karen called me repeatedly from the ambulance asking if
15 I was going to come to the hospital and she called, the
16 O'Keefe's were in the car and said she dropped him off at a
17 party, and Mrs. O'Keefe said, you just left him, and Mr.
18 O'Keefe said, leave her alone, she's been through enough.

19 She called a few times while we were on the ride
20 and then she called a lot when we were at the hospital
21 asking if I knew anything, if he was dead, is he dead. She
22 would hang up and then call back. Hang up and then call
23 back.

24 Q If you know, about how many times was that?

25 A I don't know, at least ten.

1 Q And that same sort of phraseology that she was using on
2 scene as far as is he dead, she repeated that in the phone
3 calls at the hospital?

4 A Yes.

5 Q Now, once you arrive at the hospital and you're able to
6 clean up a little bit, where'd you go from there? What
7 happened next?

8 A I went to the chapel and I said a prayer and then I
9 went in and talked to John's cousin and she said Dr. Rice
10 asked to meet with the family and that they would be told
11 how John was doing and that they would bring John's family
12 back to see John. So, when I came out they were being
13 called in by Dr. Rice and I sat in the waiting area.

14 Q After some period of time sitting in the waiting area,
15 what happened next?

16 A Ms. O'Keefe came out and told me John was gone, and
17 then she asked if I wanted to see him, so I did because I
18 figured it would be better than when I had last saw him.
19 Maybe he was cleaned up but it was not, it was worse.

20 Q And I'm sorry, ma'am, but as far as when you say that
21 it was worse, you went back into a room where John was, is
22 that right?

23 A Yes.

24 Q And what did you see?

1 A He was in a neck brace and both eyes were huge. When I
2 found him it was only one but they were like black almost,
3 like I don't know, blood or fluid. They were huge.

4 Q Beyond what you observed to his eyes, what if anything
5 else did you see on John's body as you were --

6 A He had scratches on his arm.

7 Q Do you recall which arm it was?

8 A His right arm.

9 Q And do you recall where on his arm it was?

10 A Right here.

11 MR. LALLY: Your Honor, I just ask the record to
12 reflect that the witness is pointing to her forearm.

13 THE COURT: Yes.

14 Q Following that as far as going in to see John, what
15 happened next?

16 A We came back out to the waiting area. Ms. O'Keefe
17 wanted to get his necklace off but I couldn't get it so her
18 and Paul went back in to get the necklace off and Karen had
19 called me at some point from the hospital and said, my
20 father is going to be coming, can you just keep a lookout
21 for him so when Mr. Read, her father, walked in, Mr.
22 O'Keefe recognized him and said that's Karen's father, so I
23 went over and I said, Mr. Read, Mr. O'Keefe would like to
24 speak to you and then I just stood there. I didn't know
25 what to do.

1 Q And at some point, did you leave from the hospital?

2 A I did. I took Mr. O'Keefe in my car and Paul took Mrs.
3 O'Keefe in his.

4 Q Where did the two vehicles, where did you go?

5 A I dropped Mr. O'Keefe off at John's house and then I
6 went home.

7 Q Without getting into too much detail as far as the road
8 conditions that you described earlier, how were they?

9 A It was absolutely horrible. I told Mr. O'Keefe, if you
10 see a front door in your vision we are about to hit a house
11 because I can't see where we're going and my windshield
12 wiper broke.

13 Q Now, so you dropped Mr. O'Keefe off at John's house on
14 Meadows, is that right?

15 A Yes.

16 Q And Ms. Read's vehicle, was that still there at that
17 point?

18 A I think so. I don't recall, but I think so.

19 Q And then you went home, is that correct?

20 A Yes.

21 Q Later on that day or that afternoon, who, if anyone,
22 came to your house to speak to you in regard to what --

23 A There were two officers but I don't remember their
24 names.

25 Q And do you recall which department they were from?

1 A The state police.

2 Q As far as the officers that came to your house and
3 spoke to you, you don't recall their names, is that
4 correct?

5 A I don't.

6 Q Do you recall if either one of them was a Trooper
7 Proctor?

8 A It was not.

9 Q And where in your house did you speak to them?

10 A In the dining room.

11 Q Did they speak to anybody else at your house at that
12 time?

13 A My husband.

14 Q As far as when they spoke to you and they spoke to your
15 husband where were you, starting with yourself, do you know
16 where your husband was when the troopers were speaking to
17 you?

18 A I don't know where he was, but he wasn't in the room
19 with me.

20 Q And the same as far as when the troopers were speaking
21 with your husband, where were you?

22 A I was not in the room.

23 Q Following that, did you have occasion to speak to any
24 other troopers or members of the state police at any point
25 in time afterward?

1 A I've only spoken to Michael Proctor one time, it was
2 from Jen's house.

3 Q And when was that, if you know?

4 A I don't know. Maybe a couple of days later because Jen
5 and I were re-going over everything that happened.

6 Ms. O'Keefe had advised us to make a timeline
7 because she said it could be a while. You guys aren't
8 going to remember something so write down what you remember
9 and at that point when she first called she said he was
10 dead, and Jen said I don't think you told them that so
11 Michael Proctor called when she was on the phone with him
12 or I don't even know, and I said, could I speak to him and
13 I told him that somebody had it documented.

14 Q And so as far as Trooper Proctor was concerned, that
15 phone conversation, is that the only contact that you had
16 with Trooper Proctor?

17 A Yes.

18 Q And if you recall, was it February 1st or so that you
19 met with some troopers at Ms. McCabe's house?

20 A State Trooper? Who?

21 Q At some point did you meet with troopers at Ms.
22 McCabe's house?

23 A Yes.

24 Q And if you know, was that on or around a couple of days
25 later, like February 1st or so?

1 A Yeah, I don't know. I can't be sure.

2 Q Were either of those troopers that you met at Ms.
3 McCabe's house, were either of those troopers Trooper
4 Proctor?

5 A No.

6 Q And do you recall where within Ms. McCabe's house you
7 spoke to them?

8 A In the living room.

9 Q And beyond yourself and the troopers that you spoke to,
10 was there anybody else in the room with you when you spoke
11 with them?

12 A No.

13 Q And at some point either then or subsequent to then
14 were there any request made by any trooper from the state
15 police in regard to your cell phone?

16 A To my cell phone, yes.

17 Q Do you recall if it was that date or a later date?

18 A It was not that date, I think it was the next day. It
19 was within the next two days. They wanted to clone my
20 phone.

21 Q Did they advise you of anything or give you any form
22 that you had to fill out and execute prior to doing that?

23 A Yes, I had to fill out a form.

24 Q As far as your phone was concerned were there any
25 restrictions or anything that you gave to them as far as

1 what they could look at or what they could clone or what
2 they could do with your phone?

3 A No.

4 Q And as far as how sort of that process works as far as
5 a cell phone extraction or anything, do you know anything
6 about that?

7 A No.

8 Q Do you recall how long it was that you were without
9 your phone at the time you handed it over to him to
10 whenever you got it back?

11 A Well, they took both of our phones at the same time and
12 we didn't get them back for like seven or eight hours.

13 Q Just to be clear, when you say both of our phones, your
14 phone and who else's?

15 A Jen's phone and my phone.

16 Q Now, at some point or at any point did you give any
17 kind of interview or how any conversation with any officer
18 from the Canton police in regard to what happened that day?

19 A No.

20 Q Are you familiar with a Canton officer named Michael
21 Lenk?

22 A Yes.

23 Q How do you know him?

24 A My daughter and his daughter are friends.

1 Q Beyond your daughters being friends, is that someone
2 that you know or that you socialize with or anything like
3 that?

4 A I mean, they've come over to my house, his wife and him
5 one time, but we don't hang out with them socially. His
6 wife and I are friends.

7 Q Now, at some point around this date, around January
8 29th, well, let me ask you, turning to the next day of
9 January 30th, do you recall what you did that day?

10 A We went over to the O'Keefe's house. My daughter, Jen
11 and Jen's daughter and myself.

12 Q And following that, do you recall where you went?

13 A My daughter wanted to get dropped off to her friend's
14 house, at Mike Lenk's.

15 Q After leaving the O'Keefe's house is it still the same
16 as far as yourself, your daughter, Ms. McCabe and her
17 daughter?

18 A Her daughter stayed at the O'Keefe's.

19 Q As far as Ms. McCabe was concerned, after dropping your
20 daughter off did you go anywhere with Ms. McCabe after
21 that?

22 A I just stopped at Mike Lenk's house on the way home.

23 Q And so when you got to your daughter's friends' house,
24 who, if anyone, did you speak with there?

1 A Mike's wife came out to the car to see how I was and
2 how the O'Keefe's were, so she talked to us for a little
3 bit, just asking how everyone was.

4 Q And if you know, ma'am, do you know about how long that
5 conversation was?

6 A I mean, I'm a talker, so it was probably a while. I'd
7 say at least forty-five minutes.

8 Q And was that a conversation like through the window or
9 did she get in the car, if you know?

10 A I think she got in the car. She was in the back seat.
11 It was freezing.

12 Q And from that conversation do you recall anything
13 beyond sort of how people were doing or anything? Did you
14 discuss anything sort of what you had seen or what you had
15 heard the day before on the 29th?

16 A I don't recall. It was just a regular conversation,
17 not regular, obviously, but she was more concerned how the
18 O'Keefe's were doing, how the kids were doing.

19 Q And then after you left from the Lenk's house where did
20 you and Ms. McCabe go from there?

21 A I don't know. I'm assuming home.

22 MR. LALLY: If I may have a moment, your Honor.

23 THE COURT: Yes.

24 MR. LALLY: Your Honor, may we approach just
25 briefly?

1 THE COURT: Okay.

2 (Sidebar commences:

3 MR. LALLY: I wanted to revisit before. I'm almost
4 done if not completely with this witness as far as direct.
5 In reference to the video that we had talked about before,
6 I believe counsel has an objection so I just wanted to
7 clear that.

8 THE COURT: Oh, I wish I had known that. I would have
9 looked at it.

10 MS. LITTLE: Our objection is just that it's an
11 enhanced video. Obviously, at the beginning of the trial
12 we had a lot of sort of enhanced videos that we wanted to
13 play. We were denied that opportunity. So just out of
14 fairness, we would object to the Commonwealth being --

15 THE COURT: Is it any different than how your media
16 person goes and puts that little square over something and
17 enlarges it? Is it any different than that?

18 MS. LITTLE: It's a zoomed in six-minute version of the
19 video.

20 THE COURT: You want to play six minutes?

21 MR. LALLY: No, no. I don't want to play six minutes.

22 THE COURT: All right. So what I'm going to do is I
23 need to look at it. I'll look at it tonight, and if I deem
24 it's admissible, I'll let him put it in without any
25 witness.

1 MS. LITTLE: Okay.

2 THE COURT: Okay. That way there -- and avoided this,
3 but that's what I'll do.

4 MS. LITTLE: Thank you, Your Honor.

5 THE COURT: So objection to that?

6 MS. LITTLE: No. Thank you.

7 MR. LALLY: Thank you, Your Honor.

8 end of sidebar.)

9 MR. LALLY: Sorry, can I have one moment? I have no
10 further questions for this witness, your Honor.

11 THE COURT: Okay, Ms. Little?

12 MS. LITTLE: No questions, your Honor.

13 THE COURT: Okay. All right, you're all through.
14 Thank you very much.

15 THE WITNESS: Thank you.

16 (End of testimony.)

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C E R T I F I C A T I O N

I, CHRISTINE D. BLANKENSHIP, NOTARY PUBLIC, DO HEREBY
CERTIFY THAT THE FOREGOING IS A TRUE AND ACCURATE
TRANSCRIPT FROM THE RECORD OF THE COURT PROCEEDINGS IN THE
ABOVE-ENTITLED MATTER.

I, CHRISTINE D. BLANKENSHIP, FURTHER CERTIFY THAT I
NEITHER AM COUNSEL FOR, RELATED TO, NOR EMPLOYED BY ANY OF
THE PARTIES TO THE ACTION IN WHICH THIS HEARING WAS TAKEN,
AND FURTHER THAT I AM NOT FINANCIALLY NOR OTHERWISE
INTERESTED IN THE OUTCOME OF THIS ACTION.

Christine D. Blankenship, February 3, 2025

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A

Able - 19:16, 23:22, 31:9, 43:16, 54:2, 74:21, 76:5
Absent - 38:13
Access - 28:19, 32:6, 32:9, 32:12, 37:9, 37:10
Accident - 19:11, 66:24, 74:24
Accidents - 19:6, 19:8, 19:9
Accurate - 26:14, 30:1, 49:19, 57:12
Across - 8:14, 8:22, 48:25
Activities - 7:8
Addition - 6:6
Address - 50:8
Admissible - 85:24
Admit - 41:2
Advise - 81:21
Advised - 80:6
Afraid - 16:1
Afternoon - 68:18, 68:19, 78:21
Ahead - 42:24
Alert - 41:17
Alive - 65:18
Allow - 70:1
Alone - 16:5, 75:18
Ambulance - 61:22, 63:19, 65:5, 65:10, 65:11, 65:15, 66:5, 66:9, 66:12, 66:13, 66:24, 69:13, 69:14, 69:17, 73:6, 73:10, 75:14
American - 59:20
Amount - 61:16
And/Or - 65:14
Angle - 54:25
Anywhere - 12:24, 18:16, 83:20
Apologies - 9:23
Apologize - 68:21
Appear - 44:12
Applied - 29:3
Appointment - 16:13
Approach - 40:10, 40:24, 41:7, 84:24
Area - 32:24, 34:10, 36:3, 38:21, 48:10, 48:12, 48:14, 48:19, 58:24, 60:19, 62:10, 63:22, 64:2, 74:18, 76:13, 76:14, 77:16
Aren't - 80:7
Arm - 77:6, 77:7, 77:8, 77:9
Arrival - 57:13
Arrive - 61:9, 61:13, 76:5
Arrived - 12:14, 12:16, 25:2, 30:3, 30:25, 31:1, 33:17, 34:20, 59:6, 73:3,

74:15, 74:17
Article - 11:23, 12:2
Assistance - 9:8, 9:11
Assistant - 3:23
Attention - 4:7, 13:1, 24:9, 26:11, 30:14, 38:1, 38:5, 39:15, 39:22, 40:3, 44:25, 55:25, 62:1
Ave - 8:17, 26:24
Avoided - 86:2
Awake - 15:16
Aware - 10:12
Awful - 58:9
Awoke - 13:2

B

Baby - 56:14
Background - 29:17
Ball - 7:12, 58:8
Ballfield - 48:23
Banging - 57:9
Bar - 5:21
Baseball - 7:12, 11:18, 48:21
Basketball - 27:12
Bathroom - 36:14, 75:2
Bays - 25:5
Become - 10:12
Bed - 12:18, 12:24, 15:19, 35:4, 36:20, 36:21, 37:3
Bedroom - 36:13, 36:18
Bedrooms - 36:16
Beforehand - 42:25
Began - 63:7
Behind - 21:2, 21:10, 22:19, 24:11, 25:1, 25:4, 25:6, 25:13, 27:11, 27:12, 27:14, 28:6, 28:9, 54:14
Beige - 26:3

(C)

Big - 12:23, 28:7
Bit - 59:17, 76:6, 84:3
Black - 12:3, 23:2, 25:23, 77:2
Blade - 64:16
Blanket - 58:19
Blankets - 56:14, 58:14
Bleeding - 58:13
Blizzard - 18:17, 21:8, 23:3, 47:19, 50:12
Blood - 58:7, 58:19, 65:22, 66:3, 75:6, 77:3
Blue - 28:7
Bluetooth - 22:20, 23:20, 24:21, 45:25
Body - 53:25, 54:3, 57:22, 58:12, 58:21, 58:24, 58:25, 59:3, 62:17, 64:6,

64:9, 64:10, 77:5
Bolivar - 47:1, 47:4
Boston - 9:5
Both - 23:17, 31:19, 34:24, 51:10, 52:16, 52:17, 74:7, 77:1, 82:11, 82:13
Bottom - 42:18
Bowling - 4:21
Box - 60:21
Boy - 3:18, 16:11
Boyfriend - 19:8
Brace - 77:1
Braintree - 6:2, 6:7, 73:21, 73:22, 73:23, 74:3, 74:7, 75:8, 75:12
Brief - 49:2
Brings - 28:21
Brockton - 4:24, 73:23, 74:4, 74:7, 74:11, 75:12
Broke - 78:12
Broken - 34:14
Brother - 66:25, 74:17
Brought - 19:11, 22:14
Brushed - 58:1
Brushing - 58:4
Button - 29:20

C

Caked - 23:1, 23:3, 38:12
Calling - 13:6, 14:21, 16:14
Calls - 14:18, 16:19, 17:1, 20:6, 20:16, 56:20, 57:2, 76:3
Calm - 65:7
Camera - 28:1, 28:2, 39:24, 54:24
Camerano - 5:15, 5:16, 5:20, 12:10, 74:1, 75:8
Can't - 26:18, 78:11, 81:1
Cape - 11:18
Care - 7:3, 9:14, 11:8, 11:9, 48:24, 71:12
Caring - 9:16
Cars - 21:8, 30:2
Catch - 34:18
Caused - 69:22
Cedarcrest - 71:17, 71:21, 71:22
Cell - 81:15, 81:16, 82:5
Center - 5:22
Certified - 59:19
Cetera - 61:13
Chance - 15:7
Chapel - 75:2, 76:8
Chapman - 48:1, 48:2, 51:10, 71:17
Check - 32:15
Checked - 17:4
Chest - 59:12, 59:21, 61:7, 61:8, 62:3
Childhood - 5:18
Children - 3:17, 3:18, 35:11, 35:13
City - 9:1
Civilian - 70:6
Clarity - 11:20
Clean - 75:2, 75:3, 75:5, 76:6
Cleaned - 19:3, 76:19
Cleared - 18:18
Clearing - 19:22
Click - 42:21
Clone - 81:19, 82:1
Close - 30:24, 31:2, 31:4, 31:9, 34:11
Closer - 38:21, 39:1, 44:20, 62:24
Closest - 6:5
Closet - 36:15
Clothing - 11:24, 12:2
Coat - 69:7, 69:11
Code - 31:6
Color - 25:17, 25:22, 26:2
Comes - 62:4
Coming - 5:2, 12:9, 12:22, 22:18, 30:3, 35:10, 35:13, 46:3, 48:4, 58:7, 72:8, 77:20
Commences - 41:15, 85:2
Commonwealth - 41:1, 85:14
Communication - 16:8
Commuter - 48:17
Complete - 74:2
Completely - 59:1, 85:4
Complied - 45:3, 55:15
Compressions - 59:13, 59:21, 61:1, 61:7, 61:8, 62:3
Computer - 37:1, 37:8, 37:10, 37:12
Concentrating - 61:6
Concerned - 30:21, 33:9, 80:14, 81:24, 83:19, 84:17
Condition - 36:20, 58:5
Conditions - 23:10, 57:8, 73:24, 78:8
Confer - 43:14
Consistent - 38:9, 39:2, 49:19, 60:11, 61:4, 63:13
Contact - 14:9, 14:21, 22:7, 80:15
Content - 15:3, 20:19
Conversations - 10:1, 10:5, 67:17, 67:20
Convertible - 28:7
Coordinate - 11:10
Copy - 42:8

Couch - 12:19, 21:10
Couches - 35:2
Coughing - 26:19
Couldn't - 8:25, 63:5, 63:6, 69:3, 77:17
Counsel - 3:2, 43:14, 43:22, 68:11, 85:6
Couple - 10:10, 15:24, 16:16, 23:19, 37:19, 74:2, 80:4, 80:24
Couples - 11:15
Course - 18:2, 23:5, 43:11
Courtroom - 11:21
Court's - 26:4, 27:2, 29:9, 37:18, 39:5, 44:2, 49:1
Cousin - 74:19, 76:9
Covered - 59:1, 59:5, 64:5, 69:4
Covering - 59:2
Covid - 11:4, 74:20
CPR - 59:11, 59:12, 59:14, 59:18, 59:19
Crazy - 53:6
Cross - 59:20
Cruiser - 65:9
Curt - 4:1, 12:14, 15:19
Cut - 58:15, 58:17

D

Damage - 24:14, 38:6, 44:25
Dance - 51:14, 51:15, 51:20, 51:22, 52:2
Dark - 25:18
Date - 10:8, 20:12, 48:15, 52:8, 81:17, 81:18, 83:7
Dated - 10:4, 10:7, 51:10, 51:15, 52:2
Dates - 4:9
Dating - 10:2, 10:23
Daughter - 3:19, 4:21, 5:4, 5:7, 9:16, 14:19, 82:24, 83:10, 83:11, 83:13, 83:16, 83:17, 83:18, 83:20
Daughters - 83:1
Daughter's - 83:23
Day - 7:3, 16:7, 18:4, 42:12, 48:24, 78:21, 81:18, 82:18, 83:8, 83:9, 84:15
Daycare - 6:17
Days - 4:11, 4:13, 80:4, 80:24, 81:19
Dead - 15:4, 16:1, 60:5, 60:6, 63:11, 65:20, 66:22, 66:23, 75:21, 76:2, 80:10
Dedham - 71:24
Deem - 85:23
Defendant's - 24:8, 37:14,

37:16
Denied - 85:13
Department - 78:25
Depicted - 38:2, 38:8, 38:18, 39:1, 40:20, 40:22, 41:23, 49:18, 54:24, 57:10
Describe - 6:4, 11:6, 15:2, 20:18, 22:16, 23:9, 24:12, 29:6, 46:8, 47:18
Described - 63:8, 78:8
Describing - 18:1, 38:7, 60:10
Desk - 29:18, 37:12
Device - 32:11
Die - 71:14
Died - 8:5
Different - 13:11, 36:22, 85:15, 85:17
Dining - 79:10
Directed - 47:21
Directing - 21:14, 26:11, 38:1, 39:15, 39:22
Direction - 71:21
Directionality - 21:13
Directions - 47:2, 47:8
Discount - 22:2
Doctor's - 16:13
Documented - 80:13
Door - 12:19, 28:2, 28:6, 30:24, 31:5, 31:8, 31:9, 31:11, 46:6, 52:24, 52:25, 53:1, 53:7, 55:3, 57:9, 66:17, 78:10
Doors - 27:16, 27:17, 30:21, 30:23, 53:5
Dot - 13:23, 14:5
Downhill - 48:7
Downstairs - 18:17, 35:1, 36:3
Dr - 76:9, 76:13
Drank - 17:9
Draw - 30:13
Drawn - 24:9
Dressed - 15:21, 15:22, 18:12, 68:24, 69:1
Drinking - 17:14
Drive - 8:16, 17:7, 18:9, 20:22, 23:6, 23:16, 46:16, 67:22, 67:24, 73:19, 73:22, 75:8, 75:11
Driven - 54:12
Driver's - 53:16, 53:17
Driveway - 21:1, 22:19, 24:7, 24:11, 24:16, 25:6, 26:23, 26:25, 28:1, 29:14, 32:21, 33:1, 38:10, 39:3, 44:10
Drop - 20:23, 45:14
Dropped - 32:16, 75:16, 78:5, 78:13, 83:13

Dropping - 83:19
Drove - 21:1, 21:3, 25:1, 66:5, 66:9, 66:12
Dug - 57:18
DUI - 17:14

E

Each - 24:24, 40:3, 40:22
Earlier - 16:7, 40:7, 78:8
Early - 13:6, 23:5
Eight - 8:19, 82:12
Eighteen - 6:23
Elapsed - 16:22
Electrical - 60:20
Elementary - 7:4
Elevated - 17:22
Elevation - 48:6
Else's - 82:14
Email - 42:19
Emergency - 19:7
Emts - 61:24, 62:17
Encapsuled - 34:14
Encasement - 34:16
Ends - 53:21
Enhance - 42:13
Enhanced - 41:21, 41:23, 42:8, 85:11, 85:12
Enlarges - 85:17
Enter - 28:19, 30:18
Entered - 31:11, 31:16, 31:20, 46:4
Equipment - 4:4
Erin - 66:22, 67:18, 72:19
Essentially - 34:6, 38:21, 40:6, 41:18, 42:11, 44:20, 55:2
Et - 61:13
Evening - 4:7, 4:19, 4:20, 8:20, 12:9
Eventually - 7:18, 43:9
Everybody - 46:9
Everyone - 84:3
Everything - 23:22, 23:24, 64:4, 64:5, 80:5
EXAMINATION - 3:5
Execute - 81:22
Executive - 3:23
Exhibits - 41:2
Exit - 46:4, 74:3
Expert - 42:12
Explorer - 25:16
Extraction - 82:5
Eye - 58:8, 58:9
Eyes - 77:1, 77:4

F

Face - 58:3, 58:4, 58:5, 65:18
Faced - 37:2

Facing - 71:17
Fair - 8:7, 26:14, 30:1, 49:18, 57:12
Fairly - 8:9
Fairness - 85:14
Fairview - 45:10, 45:12, 45:20, 47:21, 47:23, 47:25, 48:1, 48:2, 48:4, 50:1, 50:8, 51:8, 51:9, 51:13, 52:11, 52:20, 63:4, 67:13
Family - 6:8, 6:14, 67:21, 75:1, 76:10, 76:11
Fast - 12:22, 39:11
Father - 66:20, 74:8, 77:20, 77:21, 77:22
February - 80:18, 80:25
Feet - 53:1
Fighter - 65:2
Figure - 8:3
Figured - 6:18, 76:18
Fill - 81:22, 81:23
Finally - 15:25, 19:12
Finances - 8:3
Find - 35:23, 36:6, 45:6
Fine - 42:16, 43:23, 58:9
Fire - 60:20, 61:22, 65:2
Five - 7:13, 13:4, 13:23, 14:5, 16:24, 52:7, 84:7
Floor - 21:11, 36:23
Fluid - 77:3
Focused - 62:3
Follow - 20:23, 68:3
Followed - 25:1
Following - 51:2, 51:5, 67:20, 69:19, 71:20, 73:16, 77:14, 79:23, 83:12
Footwear - 28:25, 29:1
Ford - 25:16
Forearm - 77:12
Form - 81:21, 81:23
Forty - 49:24, 84:7
Forward - 39:11, 49:10
Found - 55:12, 60:19, 65:5, 77:2
Foundation - 43:4, 43:20
Four - 7:12, 11:19, 59:4, 67:22, 67:23
Fourteen - 3:19
Frame - 40:4
Frantic - 17:22, 17:23, 50:10, 50:15, 60:1, 62:18, 65:8
Frantically - 63:9
Freak - 28:15, 28:16, 28:18
Freezing - 84:11
Freshman - 6:10
Friday - 4:14, 4:15
Friend - 5:14

Friends - 4:21, 5:18, 6:5, 8:8, 9:16, 9:25, 20:13, 22:5, 82:24, 83:1, 83:6
Friends' - 83:23
Friend's - 5:12, 19:8, 35:19, 35:23, 36:2, 83:13
Front - 12:3, 12:19, 25:5, 25:10, 29:18, 34:13, 37:2, 38:5, 39:23, 46:2, 54:24, 60:11, 65:17, 69:12, 78:10
(C)
Further - 86:10

G

Game - 11:12
Garage - 25:5, 27:16, 27:17, 28:3, 28:6, 28:8, 28:12, 28:19, 30:18, 30:21, 30:23, 30:24, 31:5, 31:7, 31:12, 31:20, 46:6
Gave - 72:12, 72:23, 81:25
Generally - 16:10
Gets - 53:14, 53:17, 57:9, 57:15
Gilman - 29:13, 30:6, 31:22, 32:2, 37:22, 38:15, 39:10, 39:14, 39:19, 39:21, 44:15, 45:4, 49:9, 50:2, 54:16, 55:16, 55:21, 56:2, 56:7
Girl - 3:18, 10:22
Girlfriends - 10:11, 11:13
Give - 42:21, 72:1, 81:21, 82:16
Golf - 58:8
Golfing - 11:11
Gone - 35:5, 51:16, 76:16
Good - 3:7, 3:8, 19:10, 68:18, 68:19, 69:18, 74:10
Goode - 20:10, 65:7, 71:25, 72:15
Grab - 8:25
Grabbed - 65:17, 66:22, 67:17
Grass - 63:6, 63:23, 64:1, 64:7, 64:18, 68:22
Gray - 25:18
Green - 26:3
Greet - 75:1
Ground - 60:21, 63:21, 64:6
Growing - 6:6
Guys - 80:7

H

Hadn't - 72:9
Half - 55:17
Handed - 64:22, 82:9

Hands - 65:21, 65:22, 75:6
Hang - 11:13, 75:22, 83:5
Happening - 15:20
Hard - 53:2, 53:3
Hatchback - 56:10
Haven't - 42:4, 42:8, 42:9
Head - 45:17, 57:18, 57:21, 58:1, 58:11, 58:13, 58:15, 58:16, 58:17, 58:20, 58:24
Heading - 5:12, 22:14
Hear - 22:21, 23:22, 23:24, 26:18
Heard - 10:21, 84:15
Hearing - 23:20
Heavy - 4:4, 69:7
He'd - 9:1
Help - 7:25, 9:7, 18:15
He's - 4:4, 5:18, 6:23, 15:16, 28:10, 35:6, 35:8, 35:9, 36:1, 45:16, 63:21, 64:5, 64:10, 66:23, 66:24, 71:14
High - 5:25, 6:1, 6:2, 6:7, 6:13, 10:20
Highway - 74:5
Hill - 48:8, 52:20
Hillside - 22:4
Hit - 16:2, 19:5, 33:4, 33:5, 33:6, 33:7, 45:9, 46:22, 55:17, 60:5, 78:10
Hockey - 7:10
Hold - 9:16, 41:8, 65:21
Hole - 23:2
Hooked - 24:1
Hoop - 27:12
Horrible - 78:9
Hospital - 19:10, 66:25, 67:25, 69:18, 72:24, 74:10, 74:16, 75:15, 75:20, 76:3, 76:5, 77:19, 78:1
Hospitals - 20:14, 20:15
Hours - 39:11, 82:12
Houses - 61:17
Huge - 77:1, 77:3
Hung - 15:5, 15:7, 16:22
Hydrant - 60:20

I

I'd - 5:16, 29:10, 84:6
Identification - 12:6
I'll - 17:11, 19:5, 20:23, 43:18, 67:24, 69:12, 70:1, 85:23, 85:24, 86:3
Image - 38:21, 39:1, 44:20, 44:21
Impression - 24:1
Inches - 59:4

Indicated - 18:5, 44:8, 52:1
Initial - 16:21, 21:13, 32:20
Initially - 20:6, 70:21
Inside - 28:20, 50:9, 69:20, 69:23
Instructor - 51:15, 51:20, 51:22, 52:2
Interaction - 33:10
Intermittent - 61:4
Interrupt - 9:19
Interview - 82:17
Introduce - 41:2, 51:7
Ish - 5:1
Issue - 43:15
I've - 5:25, 20:13, 33:18, 80:1

J

Jacket - 12:4, 65:17, 69:7
January - 4:8, 20:12, 21:24, 22:8, 26:16, 83:7, 83:9
Jeans - 69:3
Jennifer - 21:18
Jen's - 20:21, 21:1, 21:18, 22:14, 24:7, 45:11, 45:17, 50:21, 70:7, 80:2, 82:15, 83:11
JFK - 48:25
July - 11:1, 11:2
Jurors - 3:10, 43:18
Jury - 3:3, 15:2, 20:18, 22:17, 26:9, 27:6, 29:21, 37:24, 38:17, 39:9, 40:7, 44:6, 46:8, 49:7, 59:17, 68:3, 68:4, 68:5, 68:12
Jury's - 30:14, 38:5, 40:2, 43:7, 44:25, 55:24

K

Karen's - 18:14, 22:19, 25:1, 29:16, 29:24, 39:25, 40:1, 40:5, 40:23, 77:22
Katie - 74:1

(C)

Kennedy - 48:20, 48:23
KERRY - 3:4, 3:11, 15:4, 15:5
Kicking - 52:24, 52:25, 53:1, 53:2, 55:3
Kids - 7:25, 8:6, 11:8, 22:3, 32:16, 37:15, 71:12, 84:18

Kids' - 28:11
Kill - 71:11
Kirsten - 6:22
Kitchen - 28:22
Knowledge - 10:6, 35:10
Known - 5:25, 85:8
Knows - 21:11
Kristen - 6:9, 6:18, 6:20, 7:14, 7:24, 8:2
Kristen's - 7:9

L

Lane - 51:9, 51:11, 51:14, 51:20, 51:21
Lanes - 4:24
Laptop - 37:12, 37:13, 37:17
Laser - 29:18, 30:13, 38:4, 40:2, 44:24, 55:24
Late - 5:3
Later - 78:21, 80:4, 80:25, 81:17
Layers - 69:5, 69:6
Laying - 43:3, 59:10
Leads - 28:22
Leaning - 50:13, 50:15
Learned - 54:7
Leave - 16:5, 75:18, 78:1
Leaves - 69:14
Leaving - 22:21, 31:2, 33:13, 33:17, 70:24, 71:7, 71:10, 83:15
Lenk - 82:21
Lenk's - 83:14, 83:22, 84:19
Let's - 21:7, 33:7, 35:6, 45:8, 45:14
Lexus - 25:21, 38:3
(C)
Lifted - 54:4, 64:6, 64:10, 64:13, 69:5
Light - 23:12, 34:16
Lighting - 23:10
Lights - 60:18, 60:22
Liked - 50:21
Line - 19:7
Link - 42:17, 42:18, 42:21
Lived - 3:14, 6:18, 9:25, 27:21, 28:14, 29:3, 48:10, 50:21, 51:11, 51:15, 51:20
Located - 54:14, 65:5
Lock - 53:5
Locked - 53:4
Long - 3:14, 3:24, 4:5, 14:3, 16:21, 18:21, 46:16, 52:5, 61:11, 61:14, 66:6, 66:10, 82:8, 84:4
Longer - 8:20
Looked - 23:1, 26:15, 30:2, 33:2, 36:13, 36:14,

36:15, 36:22, 42:9, 53:5,
53:6, 57:12, 58:8, 58:9,
85:9
Looking - 13:18, 14:1,
24:13, 33:10, 34:10,
34:17, 34:23, 34:24, 35:1,
36:6, 36:17, 45:16, 46:19,
46:20, 46:21, 52:15,
52:16, 52:17, 53:11
Lookout - 77:20
Lot - 10:4, 11:9, 75:20,
85:12
Loud - 15:12, 63:15
Loudly - 15:11
Loudness - 18:1
Lower - 64:16
Lunch - 11:12, 22:5,
43:23, 68:2
Luncheon - 68:2

M

Mail - 56:21
Main - 46:19, 46:22
Make - 17:20, 18:3, 20:5,
24:16, 32:23, 43:20, 57:2,
68:24, 73:1, 73:14, 80:6
Making - 17:2, 23:6, 24:6,
24:19, 34:12
Many - 19:19, 59:5, 75:24
Marked - 26:5, 27:3, 39:7,
41:7, 41:11, 41:13, 42:2,
44:3, 49:3
Mass - 3:13, 3:14
Matt - 70:7, 70:14
Mcabe - 21:23
Mccarthy's - 5:21
Meadows - 8:17, 21:9,
24:23, 24:25, 26:24,
45:15, 46:17, 78:14
Mechanically - 31:4
Media - 85:15
Medication - 73:2
Meet - 5:14, 5:19, 10:9,
12:10, 76:10, 80:21
Members - 6:8, 6:14,
67:20, 79:24
Met - 7:15, 20:13, 22:1,
80:19, 81:2
Metal - 34:15, 38:7
Michael - 5:15, 80:1,
80:11, 82:20
Midnight - 12:21
Mike - 83:14, 83:22
Mike's - 84:1
Milton - 8:14, 19:10
Missing - 23:1
Mom - 50:20, 50:22, 51:5
Months - 6:23
Mother - 37:6, 37:7,
66:20, 72:22, 72:23,

73:12, 73:14, 74:7
Mothers - 4:22
Mound - 53:8, 53:22,
54:7, 54:11
Mouth - 58:7, 59:13, 60:1,
61:2, 61:3, 61:5
Move - 8:2, 8:3, 8:5, 8:11,
17:16, 34:3, 43:22
Moved - 8:14, 8:15, 8:17,
8:21
Moving - 6:19, 65:11
Much - 9:14, 16:22, 17:9,
26:17, 26:20, 29:19, 32:3,
59:2, 78:7, 86:14
Mud - 28:22, 31:12, 31:16,
31:20
Mutual - 20:13

N

Named - 82:20
Names - 78:24, 79:3
Near - 8:15, 48:17, 50:21,
51:14, 51:19, 74:3
Neat - 28:15, 28:16, 28:18
Neck - 77:1
Necklace - 77:17, 77:18
Needed - 7:25, 72:3
Neighborhood - 6:19, 8:4
Neighbors - 61:18
Nephew - 6:16, 7:23, 8:8,
8:11, 8:21, 8:22, 48:24
Nervous - 50:11
Nice - 10:11
Niece - 7:23, 8:11, 8:21,
9:9, 9:12, 51:23
Night - 10:24, 12:14, 16:3,
16:4, 17:8, 17:14, 33:4,
45:2, 45:12
Nine - 39:11
Non - 19:7
Normal - 13:5, 35:12
Nose - 58:7
Note - 48:5
Notice - 30:22

O

Object - 85:14
Objection - 17:16, 21:21,
41:3, 41:4, 41:25, 42:5,
42:10, 43:2, 43:3, 57:5,
67:3, 67:14, 69:24, 85:6,
85:10, 86:5
Observations - 17:20,
18:2, 24:6, 24:17, 24:19,
32:20, 32:23, 34:9, 34:12,
68:23
Observe - 18:25, 22:17,
31:17, 36:19, 47:12, 48:5,
52:13, 52:14, 57:2, 58:5,

58:11, 58:25, 60:17,
63:22, 73:24
Observed - 23:11, 30:12,
30:14, 38:6, 38:9, 39:2,
40:1, 40:3, 44:25, 49:19,
64:1, 68:23, 77:4
Observing - 24:13
Occasion - 28:24, 79:23
Occasions - 11:14, 14:11,
14:12
Occur - 45:21
Occurrence - 13:5
Offenders - 9:6
Office - 9:6, 74:24
Officer - 9:5, 20:10, 65:1,
65:7, 68:4, 68:13, 71:25,
72:15, 82:17, 82:20
Officers - 70:5, 72:9,
78:23, 79:2
Often - 8:9
Old - 3:18, 6:22, 28:7
Older - 6:10, 6:24
Open - 12:20, 30:25, 31:1,
31:4, 31:8
Operator - 4:4
Order - 31:11, 32:11
Organized - 28:10
Overhead - 60:17, 60:22
Overhearing - 24:20
Overruled - 21:22

P

Pandemic - 11:4
Paramedic - 62:4, 65:2
Paramedics - 62:12,
63:19, 66:7
Parents - 67:7, 72:6
Park - 25:3
Parked - 24:11, 28:11,
34:1, 34:6, 44:9, 55:2
Party - 75:17
Passed - 5:12, 7:18, 7:20,
7:24, 8:2, 21:5, 21:10,
35:2
Passenger - 24:15, 32:22,
34:10, 45:1, 53:18
Passenger's - 21:3,
25:11, 27:15, 46:11, 53:15,
71:6
Past - 52:3, 54:12
Pathway - 63:3

(C)

Paul - 6:10, 66:25, 74:17,
77:18, 78:2
Pause - 30:10, 39:14,
39:21, 50:6, 54:22, 55:10,

55:21
Paused - 39:16
Paved - 63:3
Paying - 62:1
People - 10:4, 10:7,
10:18, 29:3, 29:4, 31:8,
70:6, 84:13
Percent - 22:2
Period - 18:21, 65:23,
76:14
Periodically - 22:3
Permission - 26:5, 27:2,
29:10, 37:18, 39:6, 44:2,
49:2
Person - 10:12, 10:16,
11:8, 14:15, 23:21, 57:19,
85:16
Phones - 82:11, 82:13
Photograph - 26:22,
27:14, 38:2, 38:8, 38:19,
41:11, 41:13, 43:16, 44:18
Photographs - 40:15,
42:1
Photos - 37:19, 40:22
Phraseology - 63:12,
76:1
Pick - 6:17, 15:13, 72:1,
72:13, 73:18
Picked - 22:13, 64:20
Picking - 9:7
Picture - 26:24
Piece - 23:1, 34:13, 34:15,
34:17, 38:7
Placed - 13:16
Play - 31:22, 39:19, 43:6,
54:17, 55:5, 55:17, 56:2,
85:13, 85:20, 85:21
Played - 7:11, 30:8, 31:25,
39:13, 39:20, 48:21,
49:13, 50:4, 54:20, 55:8,
55:19, 56:5
Plow - 16:2, 19:5, 19:8,
45:9, 46:22
Plows - 47:11, 47:14
Pocket - 64:20
Pointer - 29:19, 30:13,
38:4, 40:2, 44:24, 55:13,
55:24
Pointing - 29:20, 77:12
Police - 9:5, 20:6, 20:9,
61:21, 61:23, 65:1, 65:9,
66:17, 70:5, 72:9, 79:1,
79:24, 81:15, 82:18
Poor - 47:19
Portion - 29:10, 39:6,
39:9, 39:16, 39:24, 49:2,
49:6
Portrayal - 26:14, 30:1,
49:19, 57:12
Position - 44:9, 56:10

Positioned - 57:22
Positions - 40:6
Pray - 65:21
Prayer - 76:8
Preferences - 28:25
Prek - 7:4
Preschool - 7:4
Presence - 32:17
Present - 3:2, 33:21, 33:22, 68:11
Press - 39:19, 54:17, 55:5
Pressing - 29:20
Prior - 14:11, 14:12, 14:18, 20:11, 21:24, 22:7, 44:13, 44:21, 48:15, 59:15, 81:22
Proctor - 79:7, 80:1, 80:11, 80:14, 80:16, 81:4
Programmed - 14:8, 14:20, 22:6
Proper - 43:4
Publish - 26:5, 27:3, 29:10, 37:19, 39:6, 44:3, 49:2
Published - 26:9, 27:6, 37:24, 38:17, 39:9, 44:6, 49:6
Pull - 22:22, 45:11, 46:2, 57:8
Pulled - 21:1, 22:19, 25:4, 25:5, 25:6, 47:1
Pulling - 57:7
Purse - 73:1, 73:2, 73:15
Push - 49:10
Puts - 85:16

Q

Quickly - 53:20

R

Rail - 48:17
Raising - 8:6
Ran - 53:7, 53:22, 54:3, 55:3, 57:17
Random - 10:20
Range - 11:11
Re - 80:5
Read's - 25:8, 25:19, 29:22, 32:22, 34:3, 34:11, 38:3, 44:8, 45:1, 78:16
Ready - 68:16
Realize - 13:12, 54:2, 61:12
Realized - 53:25, 57:17
Rear - 27:13, 32:21, 34:10, 45:1, 56:9
Received - 14:19, 42:8
Receiving - 14:21
Recognize - 26:12, 27:8,

29:15, 38:2, 38:18, 39:16, 39:23, 40:18, 40:20, 40:21, 49:25, 54:25
Recognized - 57:19, 77:22
Reconnected - 6:21
Rectangle - 34:14
Red - 11:12, 59:20
Reebok - 22:1, 22:4
Reflect - 12:6, 77:12
Registered - 9:6
Regular - 23:24, 84:16, 84:17
Relation - 19:21, 45:21, 54:7, 54:11, 55:11, 56:8, 60:13, 61:5, 63:3, 64:2, 64:9
Relationship - 6:4, 11:6
Relationships - 10:2
Relatively - 29:6
Remained - 8:24
Repeated - 76:2
Repeatedly - 75:14
REPORTER - 42:6
Request - 81:14
Respect - 18:3, 25:24
Respond - 71:13
Responder - 64:23
Responders - 61:9, 61:13, 64:21, 70:5, 73:13, 73:17
Response - 17:3, 18:8
Restrictions - 74:21, 81:25
Revisit - 85:3
Rice - 76:9, 76:13
Ride - 75:19
Ring - 28:1, 28:2, 29:11, 32:4, 40:8
Rings - 15:13
Rise - 68:4, 68:13
Road - 47:21, 47:23, 47:25, 48:4, 50:8, 51:8, 53:9, 53:11, 54:9, 57:12, 63:4, 63:6, 63:7, 78:7
Roads - 46:19, 46:23, 47:11, 74:4
Roadway - 23:10, 48:6, 57:11, 63:3
Role - 7:22, 10:6
Room - 28:22, 31:12, 31:16, 31:20, 35:4, 36:15, 36:16, 37:1, 37:2, 37:8, 37:10, 37:17, 76:21, 79:10, 79:18, 79:22, 81:8, 81:10
Rooms - 36:6, 36:23, 36:24
Route - 46:17
Rule - 29:7

Rules - 28:24
Running - 53:24, 60:2, 60:3, 60:4, 61:2, 61:5, 62:17, 62:19, 63:8
Runs - 51:8, 53:23, 57:9
(c)

S

Samaritan - 19:10, 69:18, 74:10
Sat - 18:18, 53:7, 76:13
Saturday - 4:17, 4:18
Saw - 22:22, 38:11, 40:7, 44:13, 44:21, 45:11, 46:2, 56:8, 57:13, 61:24, 64:18, 76:18
Scene - 72:9, 73:3, 76:2
Schedule - 9:12
School - 5:25, 6:1, 6:2, 6:11, 6:13, 7:2, 7:5, 7:6, 8:23, 8:24, 10:20, 16:11, 16:12, 48:20, 48:23
Schools - 48:19
Scratches - 77:6
Screamed - 65:18
Screaming - 50:16, 50:17
Screen - 13:9, 26:11, 26:12, 27:9, 29:15, 29:20, 37:20, 38:1, 38:9, 39:15, 39:16, 39:23, 40:11, 44:7, 44:17, 54:24, 55:23
Scuffle - 16:11
Seat - 21:3, 25:11, 46:10, 46:11, 50:14, 52:18, 52:19, 71:6, 84:10
Seatbelt - 50:10
Seated - 11:23, 12:1, 12:3, 46:9, 68:14
Seats - 50:13
Second - 13:18, 18:3, 36:23, 44:18, 54:22
Seconds - 39:12, 49:11, 49:24, 54:3, 54:18
Sectioned - 72:7
Security - 27:24, 28:1, 32:5
Seeing - 7:25, 65:15
Seek - 41:1
Seen - 33:18, 41:25, 42:4, 43:7, 49:17, 53:10, 53:11, 84:14
Senior - 6:9
Sent - 42:19
Separate - 58:24
Separated - 7:5
Sequence - 54:2, 56:19
Session - 3:1, 68:10, 68:14
Set - 28:21
Seven - 8:19, 82:12

Seventeen - 3:25
Several - 48:11
Sex - 9:6
Shape - 53:25
She'd - 50:15, 52:17, 52:18
She's - 11:23, 11:24, 12:1, 12:2, 15:10, 17:10, 20:22, 52:18, 53:6, 72:7, 75:18
Shirt - 54:4, 69:5
Shock - 65:24
Shoes - 22:3, 22:4, 29:2, 31:13, 31:17, 31:18, 31:19, 31:21, 34:21
Shoot - 13:19
Shortly - 11:4
Shot - 44:12
Shots - 41:19, 42:18
Shoulder - 64:12, 64:16
Shouldn't - 17:15
Show - 40:14, 70:6
Showed - 44:18, 61:22, 61:23, 70:7, 70:14
Sick - 6:20, 7:16
Side - 8:14, 8:15, 23:21, 27:15, 28:2, 28:8, 31:6, 35:1, 53:11, 53:12, 53:15, 53:16, 53:17, 57:23, 58:17, 64:14
Sidebar - 41:8, 41:15, 44:1, 85:2, 86:8
Sides - 52:16, 52:17
Similar - 41:23, 51:7, 60:9
Simple - 14:17
Sister - 6:9, 46:13, 46:15, 50:21, 66:22, 67:16, 70:3
Sister's - 22:23, 45:18, 46:2, 46:12, 46:18, 47:17, 48:16, 49:21, 51:12, 52:22, 66:17
Sit - 42:24
Sitting - 12:19, 18:23, 76:14
Six - 55:17, 85:18, 85:20, 85:21
Sleeping - 15:12, 15:14, 35:24
Sleeve - 34:18
Snowflakes - 12:22
Snowier - 26:17
Snowstorm - 12:23
Socialization - 11:15
Socialize - 83:2
Socially - 83:5
Something's - 15:20
Somewhat - 48:11
Son - 3:19, 5:13, 6:16, 6:17, 6:22, 6:23, 7:1, 7:8, 7:9, 8:8, 8:25, 9:7, 16:11, 16:14, 48:21, 48:24

Sox - 11:12 Speaker - 24:2 Speakerphone - 21:2 Spell - 3:9 Spoken - 80:1 Sporting - 28:11 Spring - 51:8, 51:9, 51:11, 51:14, 51:20, 51:21 Spun - 74:1, 74:2 Square - 85:16 Stage - 21:14 Stairs - 28:21, 36:13 Stand - 67:4 Standing - 35:3, 35:4, 65:10 Start - 5:16, 37:22, 45:16, 53:4, 59:21, 61:9 Started - 12:20, 12:21, 15:21, 15:22, 18:12, 18:18, 34:23, 34:24, 35:1, 52:24, 54:4, 55:3, 59:12 Starting - 12:23, 79:15 State - 3:9, 65:23, 79:1, 79:24, 80:20, 81:14 Statements - 17:1, 17:3 Stay - 16:4, 20:22, 37:3, 37:4 Stayed - 34:7, 62:10, 83:18 Step - 66:8 Steps - 31:20 Steve - 8:5 Sticking - 34:15, 34:17, 60:21 Stomach - 57:23 Stood - 77:24 Stop - 10:17, 49:15 Stopped - 54:6, 54:10, 83:22 Storm - 5:1 Stoughton - 8:15, 19:6 Street - 8:1, 8:12, 47:1, 47:4, 47:20, 48:1, 48:25, 49:25, 51:8, 51:10, 61:18, 71:24 Streetlights - 60:18 Strict - 29:6 Strike - 17:17 Submission - 43:4 Subsequent - 75:11, 81:13 Subsequently - 73:23 Sudden - 52:23 Suicidal - 72:7 Suicide - 72:6 Suit - 12:4 Supposed - 16:4 Surprise - 10:20 Sustained - 57:6 SUV - 25:21, 56:10	Switchboard - 74:19, 74:23 Sworn - 3:4 System - 32:5 T Table - 12:3 Tailgate - 56:9 Taillight - 22:25, 24:5, 24:10, 24:13, 32:22, 33:2, 33:11, 34:10, 45:1 Taking - 21:8, 49:23, 72:22 Talker - 84:6 Telling - 51:12, 66:22 Tells - 62:4 Ten - 3:15, 18:23, 52:8, 61:14, 75:25 Terrible - 8:18 Testimony - 86:16 Texted - 16:9 Texting - 50:14 That'll - 42:21, 67:4 There's - 19:5, 19:13, 28:21, 29:19, 31:6, 41:22, 41:25, 42:11, 42:18 These - 24:17, 41:18, 71:12 They're - 65:16, 65:19, 72:6 They've - 62:4, 83:4 Third - 20:19 Thirty - 39:11, 49:10, 54:17 Three - 24:21, 55:23, 59:4, 59:7, 66:13 Timeline - 80:6 Times - 15:24, 16:16, 19:19, 23:19, 27:21, 56:17, 70:15, 72:19, 74:2, 75:19, 75:24 Today - 11:21 Tonality - 60:9 Tonight - 85:23 Took - 8:5, 9:15, 11:8, 11:9, 22:1, 29:1, 31:21, 46:17, 47:24, 48:1, 48:2, 71:22, 78:2, 82:11 Top - 36:13, 59:10 Topic - 50:25 Touch - 7:24, 72:2 Tournaments - 11:18 Towards - 29:20, 64:15, 64:16, 71:17, 71:21 Town - 5:22, 8:14, 8:22 Traffic - 8:19 Training - 59:15, 59:18 Transpired - 35:21 Travels - 50:24 Traverse - 26:1	Treated - 47:11 Trial - 85:11 Trooper - 79:6, 80:14, 80:16, 80:20, 81:3, 81:14 Troopers - 79:16, 79:20, 79:24, 80:19, 80:21, 81:2, 81:3, 81:9 Trouble - 42:6 Troublemakers - 7:5 Turn - 4:7, 49:23 Turned - 19:3 Turning - 13:1, 16:15, 19:2, 49:25, 83:8 Twelve - 3:19 Twenty - 4:6 Twice - 13:20 U Underneath - 64:6 Unlocked - 53:7 Upstairs - 34:24, 35:3, 36:9, 36:11 Used - 32:11, 36:24, 37:11, 37:17 User - 30:13 Using - 38:4, 40:2, 44:24, 51:19, 55:24, 76:1 V Van - 67:23 Variety - 36:22 Vehicles - 78:4 Version - 85:18 Videos - 85:12 Videotape - 30:8, 31:25, 39:13, 39:20, 49:13, 50:4, 55:8, 55:19, 56:5 Visibility - 47:16, 47:18 Visible - 26:22 Vision - 78:10 Visiting - 29:4 Voice - 9:18, 9:21, 17:22, 56:21, 60:10, 63:15 Voicemail - 57:3 Volume - 60:9, 63:15 W Waiting - 18:18, 18:20, 18:21, 20:5, 74:18, 76:13, 76:14, 77:16 Wake - 14:2, 67:16, 70:3 Walk - 73:9 Walked - 31:21, 73:5, 73:11, 74:18, 77:21 Walking - 45:9, 46:22, 52:15 Wanting - 45:20 Wants - 43:23 Warm - 65:9	Wasn't - 16:12, 22:5, 33:12, 33:16, 61:14, 62:1, 69:10, 79:18 Watched - 53:7, 66:10 Watching - 65:10 Waterfall - 22:22, 46:1 Wear - 29:1 Wearing - 11:24, 12:2 Weather - 18:25 We'd - 11:17, 11:18, 43:16 Wednesdays - 8:25 Week - 4:11, 4:13 Weird - 60:20 We'll - 20:23, 20:24, 43:19, 45:15, 61:24, 68:2, 70:10 We're - 11:3, 21:8, 21:9, 50:11, 78:11 Weren't - 12:24 Westgate - 4:24 Wheel - 67:22, 67:24 Whereabouts - 26:24 Where'd - 62:8, 76:6 Where's - 36:1 Whereupon - 41:11, 41:13 White - 12:4 Whole - 50:15 Wife - 83:4, 83:6, 84:1 Will - 17:6, 42:1 Willing - 42:13 Wind - 16:13 Window - 84:8 Windshield - 54:23, 78:11 Winter - 69:7 Wiped - 58:10 Wiper - 78:12 Wipers - 54:23 Wish - 85:8 WITNESS - 9:20, 12:6, 26:20, 28:16, 28:18, 33:16, 35:9, 41:25, 43:8, 43:10, 45:3, 55:15, 67:16, 77:12, 85:4, 85:25, 86:10, 86:15 Woke - 15:12 Woman - 50:19, 51:10 Women - 9:15 Words - 15:10, 15:11 Work - 3:20, 4:1, 4:3, 48:18, 59:20, 62:18, 66:11 Worked - 31:4 Working - 9:1, 9:6, 62:12, 65:12, 65:16, 65:18, 65:19, 65:20 Works - 74:19, 82:4 Worried - 18:15 Worse - 76:19, 76:21 Wouldn't - 30:24, 31:2, 50:10, 65:20 Wrap - 56:14
--	---	---	---

Wrapping - 58:14 Write - 80:8 Y Year - 6:10, 6:24, 11:2 Years - 3:15, 3:25, 4:6, 6:11, 9:24, 48:11, 52:8, 59:19 Younger - 6:11 You've - 27:20, 28:3, 48:10, 48:15, 49:17, 50:8, 54:7, 60:14, 63:8 Yup - 11:22 Z Zoomed - 41:21, 41:23, 44:20, 85:18 1 10:30 - 12:15 101 - 41:11, 44:4, 44:6, 44:8 102 - 41:13, 41:24, 44:15 12 - 49:3, 49:6 1-5-4 - 29:14 1st - 80:18, 80:25 2 2020 - 11:3 2022 - 4:8 2024 - 11:3 20th - 4:18 28 - 4:8 28th - 4:19, 12:9, 16:7 29 - 26:16 29th - 4:8, 13:3, 16:15, 20:12, 21:24, 22:8, 83:8, 84:15 3 30th - 83:9 34 - 45:10, 45:11 4 41 - 39:7, 39:9 5 5:00 - 15:2 50 - 22:2 8 8:30 - 5:1, 5:7 9 91 - 27:3, 27:6 911 - 59:12, 59:23	92 - 37:23, 37:24 93 - 38:16, 38:17, 74:2		
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